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# **Action Packet**

## **Fiscal Council**

**Joe Negron, Chair**  
**Fred Brummer, Vice Chair**

**Friday, April 21, 2006**  
**11:15 a.m. – 1:00 p.m.**  
**212 Knott**

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

**Location:** 212 Knott Building

### Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Joe Negron (Chair)	X		
Loranne Ausley	X		
Gustavo Barreiro	X		
Aaron Bean	X		
Anna Benson	X		
Kim Berfield	X		
Donald Brown	X		
Frederick Brummer	X		
Don Davis	X		
Nancy Detert	X		
Ron Greenstein	X		
Wilbert Holloway	X		
Jeffrey Kottkamp	X		
Stan Mayfield	X		
Sheri McInvale	X		
Joe Pickens	X		
Juan-Carlos Planas	X		
Curtis Richardson	X		
Marco Rubio	X		
John Seiler	X		
David Simmons	X		
Leslie Waters	X		
Juan Zapata	X		
<b>Totals:</b>	<b>23</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 29 CS : Tax on Sales, Use, and Other Transactions

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean			X		
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp			X		
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 19		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 29 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	



Council/Committee hearing bill: Fiscal Council

Representative(s) Brummer offered the following:

**Amendment**

On line(s) 21 through 22 and on line 34

Remove: last 9 days of July 2006

and insert:

period beginning July 22 and ending July 30, 2006

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 69 CS : Exemptions from the Tax on Sales, Use, and Other Transactions

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 69 CS

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative Brummer offered the following:

**Substitute Amendment for Amendment 1**

Remove line(s) 270-275 and insert:

Section 5. For the 2006-2007 fiscal year, the sum of  
\$203,574 in recurring funds and the sum of \$19,372 in  
nonrecurring funds are appropriated from the General Revenue  
Fund to the Department of Revenue and four full-time equivalent  
positions and associated salary rate of 137,955 are authorized  
for the purpose of implementing this act.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No 69 CS

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Fiscal Council

2 Representative Brummer offered the following:

3  
4 **Amendment**

5 Remove line(s) 270-275 and insert:

6  
7 Section 5. For the 2006-2007 fiscal year, the sum of  
8 \$222,946 is appropriated from the General Revenue Fund and four  
9 positions are authorized to the Department of Revenue for the  
10 purpose of implementing this act. Of the funds appropriated in  
11 this section, \$203,574 are recurring funds and \$19,372 are  
12 nonrecurring funds.

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 141 CS : Workers' Compensation for First Responders

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM



# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 237 CS : Employment Requirements for Law Enforcement Personnel

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. (for drafter's use only)

Bill No. 0237

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative(s) Benson offered the following:

**Amendment to Amendment ( 1 ) by Representative Benson  
(with directory and title amendments)**

Remove line(s) 21-29 :

943.255.

===== T I T L E A M E N D M E N T =====

Remove line(s) 48-49 and insert:

municipality code enforcement officers;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0237

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

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Council/Committee hearing bill: Fiscal Council

Representative(s) Benson offered the following:

**Amendment (with title amendment)**

Between lines 14 and 15, insert:

Section 1. Subsection (2) of section 162.21, Florida  
Statutes, is amended to read:

162.21 Enforcement of county or municipal codes or  
ordinances; penalties.--

(2) A county or a municipality may designate certain of  
its employees or agents as code enforcement officers. The  
training and qualifications of the employees or agents for such  
designation shall be determined by the county or the  
municipality. Employees or agents who may be designated as code  
enforcement officers may include, but are not limited to, code  
inspectors, environmental enforcement officers, law enforcement  
officers, animal control officers, or firesafety inspectors.  
Designation as a code enforcement officer does not provide the  
code enforcement officer with the power of arrest or subject the  
code enforcement officer to the provisions of ss. 943.085-  
943.255. However, employees or agents of a county or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

municipality who are designated as environmental enforcement  
officers as defined in s. 943.10 shall have the power of arrest  
for violations of the following provisions of law: s. 403.413,  
relating to the Florida Litter Law; chapter 298, relating to  
drainage; s. 386.041, relating to nuisances injurious to health;  
s. 823.07, relating to public nuisances; and s. 861.01, relating  
to obstructing highways, and for violations of s. 62.256 of the  
Florida Administrative Code, relating to prohibited burning.

Nothing in this section amends, alters, or contravenes the  
provisions of any state-administered retirement system or any  
state-supported retirement system established by general law.

Section 2. Subsection (22) is added to section 943.10,  
Florida Statutes, to read:

943.10 Definitions; ss. 943.085-943.255.--The following  
words and phrases as used in ss. 943.085-943.255 are defined as  
follows:

(22) "Environmental enforcement officer" means a person  
who is employed full time by a county or municipality, who is  
vested with authority to make arrests, and whose primary  
responsibility is the enforcement of litter and solid waste laws  
of the state which provide for a criminal penalty.

===== T I T L E A M E N D M E N T =====

Remove line 7 and insert:  
enforcement personnel; amending s. 162.21, F.S.; including  
environmental enforcement officers as authorized county or  
municipality code enforcement officers; providing arrest power  
to environmental enforcement officers for specified violations;  
amending s. 943.10, F.S.; defining the term "environmental  
enforcement officer"; amending s. 943.13, F.S.; revising

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 241 CS : Florida KidCare Program

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 23		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HJR 353 CS : Increase in Homestead Exemption

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 353

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative(s) Zapata offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

That the following amendment to Section 6 of Article VII  
and the creation of Section 26 of Article XII of the State  
Constitution is agreed to and shall be submitted to the electors  
of this state for approval or rejection at the next general  
election or at an earlier special election specifically  
authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.--

(a) Every person who has the legal or equitable title to  
real estate and maintains thereon the permanent residence of the  
owner, or another legally or naturally dependent upon the owner,  
shall be exempt from taxation thereon, except assessments for  
special benefits, up to the assessed valuation of five thousand  
dollars, upon establishment of right thereto in the manner  
prescribed by law. The real estate may be held by legal or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 equitable title, by the entireties, jointly, in common, as a  
24 condominium, or indirectly by stock ownership or membership  
25 representing the owner's or member's proprietary interest in a  
26 corporation owning a fee or a leasehold initially in excess of  
27 ninety-eight years.

28 (b) Not more than one exemption shall be allowed any  
29 individual or family unit or with respect to any residential  
30 unit. No exemption shall exceed the value of the real estate  
31 assessable to the owner or, in case of ownership through stock  
32 or membership in a corporation, the value of the proportion  
33 which the interest in the corporation bears to the assessed  
34 value of the property.

35 (c) By general law and subject to conditions specified  
36 therein, the exemption shall be increased to a total of twenty-  
37 five thousand dollars of the assessed value of the real estate  
38 for each school district levy. By general law and subject to  
39 conditions specified therein, the exemption for all other levies  
40 may be increased up to an amount not exceeding ten thousand  
41 dollars of the assessed value of the real estate if the owner  
42 has attained age sixty-five or is totally and permanently  
43 disabled and if the owner is not entitled to the exemption  
44 provided in subsection (d).

45 (d) By general law and subject to conditions specified  
46 therein, the exemption shall be increased to a total of the  
47 following amounts of assessed value of real estate for each levy  
48 other than those of school districts: fifteen thousand dollars  
49 with respect to 1980 assessments; twenty thousand dollars with  
50 respect to 1981 assessments; twenty-five thousand dollars with  
51 respect to assessments for 1982 and each year thereafter.  
52 However, such increase shall not apply with respect to any  
53 assessment roll until such roll is first determined to be in



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 compliance with the provisions of section 4 by a state agency  
55 designated by general law. This subsection shall stand repealed  
56 on the effective date of any amendment to section 4 which  
57 provides for the assessment of homestead property at a specified  
58 percentage of its just value.

59 (e) By general law and subject to conditions specified  
60 therein, the Legislature may provide to renters, who are  
61 permanent residents, ad valorem tax relief on all ad valorem tax  
62 levies. Such ad valorem tax relief shall be in the form and  
63 amount established by general law.

64 (f) The legislature may, by general law, allow counties or  
65 municipalities, for the purpose of their respective tax levies  
66 and subject to the provisions of general law, to grant an  
67 additional homestead tax exemption not exceeding fifty ~~twenty-~~  
68 ~~five~~ thousand dollars to any person who has the legal or  
69 equitable title to real estate and maintains thereon the  
70 permanent residence of the owner and who has attained age sixty-  
71 five and whose household income, as defined by general law, does  
72 not exceed twenty thousand dollars. The general law must allow  
73 counties and municipalities to grant this additional exemption,  
74 within the limits prescribed in this subsection, by ordinance  
75 adopted in the manner prescribed by general law, and must  
76 provide for the periodic adjustment of the income limitation  
77 prescribed in this subsection for changes in the cost of living.

78 Article XII

79 SCHEDULE

80 Section 26 - The amendment to Section 6 of Article VII  
81 increasing the maximum additional homestead exemption for low  
82 income seniors shall take effect January 1, 2007.  
83

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

INCREASED HOMESTEAD EXEMPTION.--Proposing an amendment to Section 6 of Article VII, and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low income seniors from \$25,000 to \$50,000, effective January 1, 2007.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of Section 26 of Article XII of the State Constitution to increase the maximum additional homestead exemption for low income seniors from \$25,000 to \$50,000.

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 381 : Firefighter Pensions

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale			X		
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# COUNCIL MEETING REPORT

## Fiscal Council

**4/21/2006 11:15:00AM**

**Location:** 212 Knott Building

**HB 421 : Tax on Sales, Use, and Other Transactions**

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer		X			
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway		X			
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
<b>Total Yeas: 20</b>		<b>Total Nays: 2</b>			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 597 CS : Contracting for Efficiency or Conservation Measures by State Agencies

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

Leagis ®

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 753 CS : Deferral of Ad Valorem Property Taxes

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 857 : Insurance Premium Tax

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 20		Total Nays: 0			

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (1)

Bill No. 857

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED ✓ (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative(s) Mahon offered the following:

**Amendment (with title amendments)**

Remove line(s) 29-30 and insert:

policies taxable under paragraph (c), covering

===== T I T L E A M E N D M E N T =====

Remove line 4 and insert:

title insurance policies; providing limitations;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (2)

Bill No. 857

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative(s) Mahon offered the following:

**Amendment (with title amendments)**

Remove line(s) 47-72 and insert:

(c) An amount equal to .6 percent of the premiums for title insurance on property located in this state. For purposes of this paragraph, the term "premium" shall have the same meaning as provided in s. 627.7711(2).

===== T I T L E A M E N D M E N T =====

Remove line 5 and insert:  
referencing the definition of the

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# COUNCIL MEETING REPORT

## Fiscal Council

**4/21/2006 11:15:00AM**

**Location:** 212 Knott Building

**HB 891 : Local Occupational License Taxes**

<input checked="" type="checkbox"/> <i>Favorable</i>					
	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
<b>Total Yeas: 20</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 897 CS : Florida Retirement System

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas	X				
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 979 CS : Property Tax Administration

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 987 CS : Tax on Sales, Use, and Other Transactions

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown		X			
Frederick Brummer		X			
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 19		Total Nays: 2			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1219 : City of Tampa, Hillsborough County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negrón (Chair)	X				
Total Yeas: 20		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1245 : North Broward Hospital District, Broward County

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1251 CS : Firefighter and Municipal Police Pensions

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM



# **COUNCIL MEETING REPORT**

**Fiscal Council**

**4/21/2006 11:15:00AM**

**Location:** 212 Knott Building

**HB 1253 : Broward County, Florida**

**Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM**

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Print Date: 4/21/2006 5:45 pm

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1269 CS : Local Occupational License Taxes

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis			X		
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 20		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1311 CS : Qualified Job-Training Organizations

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1431 CS : Impact Fees

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative(s) Mayfield offered the following:

**Amendment to Amendment (1) by Representative Cretul**

Between line(s) 47 & 48 insert:

(5) A local government imposing an impact fee shall also  
provide a credit for all taxes or other payments of any kind  
through state, federal, or other revenues anticipated to be  
expended to construct capital outlay projects of the same type  
for which the impact fee is imposed.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1431

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council  
Representative(s) Cretul offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:  
Section 1. Section 163.31801, Florida Statutes, is created to  
read:

163.31801 Florida Impact Fee Act; short title; legislative  
intent; minimum requirements.—

(1) Short title - This act may be cited as the "Florida  
Impact Fee Act."

(2) Legislative Findings and Intent - The Legislature finds  
that impact fees are an important source of revenue for local  
governments to fund infrastructure necessitated by new growth.  
The Legislature further finds that impact fees are an outgrowth  
of local governments' home rule powers to provide certain  
services within their jurisdictions. Due to the growth of  
impact fee collections and local governments' reliance on impact  
fees to fund infrastructure necessitated by new growth, it is  
the intent of the Legislature to ensure that when a county or  
municipality enacts an impact fee by ordinance or a special

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

district enacts an impact fee by resolution the governing authority complies with this Act.

(3) Impact Fee Ordinance or Resolution; Minimum Requirements - An impact fee ordinance or resolution must:

(a) premise its impact fee calculations upon the most recent and localized data;

(b) significantly address affordable housing by either waiving, exempting, deferring, or paying impact fees for affordable housing units out of another revenue source or establishing a significant affordable housing program;

(c) provide for accounting and reporting of impact fee collections and expenditures. Specifically, each local governmental entity that imposes an impact fee to address infrastructure needs shall account for the revenues and expenditures of each impact fee within a separate accounting fund;

(d) limit administrative charges for impact fee collections to actual cost; and

(e) provide notice of not less than 90 days before the effective date of a new impact fee ordinance or resolution or an amendment to an existing impact fee ordinance or resolution.

(4) Audits - Certified public accountants conducting audits of local governmental entities and district school boards shall report, as part of the audit, whether or not the local governmental entity or district school board has complied with this section and local laws pertaining to impact fees.

Section 2. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

===== T I T L E   A M E N D M E N T =====

Remove the entire title and insert:

An act relating to impact fees; creating s.163.31801, F.S.; creating the "Florida Impact Fee Act"; providing legislative intent; requiring that an impact fee meet certain specified requirements concerning calculation of the fee, affordable housing, accounting for revenues and expenditures, provision of notice, and collection of administrative costs; providing an effective date.



# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1471 CS : Energy Diversity and Efficiency

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 20		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1473 CS : Energy

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert			X		
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio	X				
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 20		Total Nays: 0			

### Appearances:

HB 1473

Bob Krasowski - Opponent

FL Alliance for a Clean Environment

Naples FL 34103

Phone: 239-434-0786

HB 1431

Welton Cadwell - Opponent

County Commissioner

FL

HB 1431

Cari Roth (Lobbyist) - Opponent

101 N. Monroe St. Suite 900

Tallahassee FL 32303

Phone: 850-222-8611

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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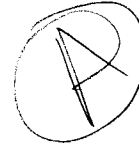
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 1473 CS

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council  
Representative(s) Mayfield offered the following:

**Amendment**

Remove lines 274-293 and insert:

Section 6. Section 377.805, Florida Statutes, is created  
to read:

377.805 Energy-efficient products sales tax holiday.--The  
period from 12:01 a.m., October 5, 2006, through midnight,  
October 11, 2006, shall be designated "Energy Efficiency Week,"  
and the tax levied under chapter 212 may not be collected on the  
sale of a new energy-efficient product having a selling price of  
\$1,500 or less per product during that period. This exemption  
applies only when the energy-efficient product is purchased for  
noncommercial home or personal use and does not apply when the  
product is purchased for trade, business, or resale. As used in  
this subsection, the term "energy-efficient product" means a  
dishwasher, clothes washer, air conditioner, ceiling fan,  
incandescent or fluorescent light bulb, dehumidifier,  
programmable thermostat, or refrigerator that has been

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 designated by the United States Environmental Protection Agency  
23 or by the United States Department of Energy as meeting or  
24 exceeding the requirements under the Energy Star Program of  
25 either agency. Purchases made under this paragraph may not be  
26 made using a business or company credit or debit card or check.  
27 Any construction company, building contractor, or commercial  
28 business or entity that purchases or attempts to purchase the  
29 energy-efficient products exempt as provided in this section  
30 commits an unfair method of competition in violation of s.  
31 501.204, Florida Statutes, punishable as provided in s.  
32 501.2075, Florida Statutes.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: House Fiscal Council  
Representative(s) Mayfield offered the following:

**Amendment (with directory and title amendments)**

Between lines 273 and 274 insert:

(6) The department shall coordinate and actively consult with the Department of Agriculture and Consumer Services during the review and approval process of grants relating to bioenergy projects for renewable energy technology, and the two departments shall jointly determine the grant awards to these bioenergy projects. No grant funding shall be awarded to any bioenergy project without such joint approval. Factors for consideration in awarding grants may include, but are not limited to, the degree to which:

(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

(b) The project produces bioenergy from Florida-grown crops or biomass.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

(c) The project demonstrates efficient use of energy and material resources.

(d) The project fosters overall understanding and appreciation of bioenergy technologies.

(e) Matching funds and in-kind contributions from an applicant are available.

(f) The project duration and the timeline for expenditures are acceptable.

(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

===== D I R E C T O R Y   A M E N D M E N T =====

Remove line(s)                      and insert:

===== T I T L E   A M E N D M E N T =====

Remove line(s)                      and insert:

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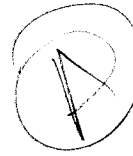
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1473

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative Mayfield offered the following:

**Substitute Amendment (with title amendments) for amendment #3**

Between lines 2444 and 2445 insert:

Section 42. Section 403.885, Florida Statutes, is amended to read:

403.885 Water Projects Grant Program ~~Stormwater management, wastewater management, and Water Restoration Grant Program.--~~

(1) The Department of Environmental Protection shall administer a grant program to use funds transferred pursuant to s. 212.20 to the Ecosystem Management and Restoration Trust Fund or other moneys as appropriated by the Legislature for water quality improvement, stormwater management, wastewater management, and water restoration project grants. Eligible recipients of such grants include counties, municipalities, water management districts, and special districts that have legal responsibilities for water quality improvement, water management, storm water management, wastewater management, and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

lake and river water restoration projects- and drinking Drinking  
water projects ~~are not eligible for funding~~ pursuant to this  
section.

(2) The grant program shall provide for the evaluation of  
annual grant proposals. The department shall evaluate such  
proposals to determine if they:

(a) Protect public health ~~and~~ or the environment.

(b) Implement plans developed pursuant to the Surface  
Water Improvement and Management Act created in part IV of  
chapter 373, other water restoration plans required by law,  
management plans prepared pursuant to s. 403.067, or other plans  
adopted by local government for water quality improvement and  
water restoration.

~~(3) In addition to meeting the criteria in subsection (2),  
annual grant proposals must also meet the following  
requirements:~~

~~(a) An application for a stormwater management project may  
be funded only if the application is approved by the water  
management district with jurisdiction in the project area.  
District approval must be based on a determination that the  
project provides a benefit to a priority water body.~~

~~(b) Except as provided in paragraph (c), an application  
for a wastewater management project may be funded only if:~~

~~1. The project has been funded previously through a line  
item in the General Appropriations Act; and~~

~~2. The project is under construction.~~

~~(c) An application for a wastewater management project  
that would qualify as a water pollution control project and  
activity in s. 403.1838 may be funded only if the project~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

~~sponsor has submitted an application to the department for funding pursuant to that section.~~

~~(4) All project applicants must provide local matching funds as follows:~~

~~(a) An applicant for state funding of a stormwater management project shall provide local matching funds equal to at least 50 percent of the total cost of the project; and~~

~~(b) An applicant for state funding of a wastewater management project shall provide matching funds equal to at least 25 percent of the total cost of the project.~~

~~The requirement for matching funds may be waived if the applicant is a financially disadvantaged small local government as defined in subsection (5).~~

~~(5) Each fiscal year, at least 20 percent of the funds available pursuant to this section shall be used for projects to assist financially disadvantaged small local governments. For purposes of this section, the term "financially disadvantaged small local government" means a municipality having a population of 7,500 or less, a county having a population of 35,000 or less, according to the latest decennial census and a per capita annual income less than the state per capita annual income as determined by the United States Department of Commerce, or a county in an area designated by the Governor as a rural area of critical economic concern pursuant to s. 288.0656. Grants made to these eligible local governments shall not require matching local funds.~~

~~(6) Each year, stormwater management and wastewater management projects submitted for funding through the legislative process shall be submitted to the department by the~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

~~appropriate fiscal committees of the House of Representatives  
and the Senate. The department shall review the projects and  
must provide each fiscal committee with a list of projects that  
appear to meet the eligibility requirements under this grant  
program.~~

===== T I T L E   A M E N D M E N T =====

On line 138 after the semicolon insert:  
amending 403.885, F.S.; revising requirements relating to the  
Department of Environmental Protection's water project grants  
program;

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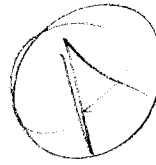
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No.1473

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill:

Representative(s) Mayfield offered the following:

**Amendment (with directory and title amendments)**

Between lines 2444 and 2445 insert:

Section 42. There is hereby appropriated \$61,379 from the General Revenue Fund to the Department of Revenue for the purposes of administering the energy-efficient products sales tax holiday.

===== T I T L E A M E N D M E N T =====

Remove line(s) 138 and insert:

certain determinations; providing an appropriation; providing and effective date.

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1623 CS : Youth and Young Adults with Disabilities

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
<b>Total Yeas: 21</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7109 : Homestead Property Assessments

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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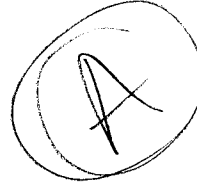
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7109

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill:

Representative(s) Brummer offered the following:

**Amendment**

Remove line(s) 56-85 and insert:

assessed pursuant to subsection (5). This paragraph applies to changes, additions, or improvements commenced within 3 years after the January 1 following the damage or destruction of the homestead.

(c) Changes, additions, or improvements that replace all or a portion of real property that was damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as if such damage or destruction had not occurred and in accordance with paragraph (b) if the owner of such property:

1. Was permanently residing on such property when the damage or destruction occurred;

2. Was not entitled to receive homestead exemption on such property as of January 1 of that year; and

3. Applies for and receives homestead exemption on such property the following year.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21        (d)(c) Changes, additions, or improvements include  
22 improvements made to common areas or other improvements made to  
23 property other than to the homestead property by the owner or by  
24 an owner association, which improvements directly benefit the  
25 homestead property. Such changes, additions, or improvements  
26 shall be assessed at just value, and the just value shall be  
27 apportioned among the parcels benefiting from the improvement.  
28

29        Section 2. Subsection (7) is added to section 196.031,  
30 Florida Statutes, to read:

31        196.031 Exemption of homesteads.--

32        (7) When homestead property is damaged or destroyed by  
33 misfortune or calamity and the property is uninhabitable on  
34 January 1 after the damage or destruction occurs, the homestead  
35 exemption may be granted if the property is otherwise qualified  
36 and if the property owner notifies the property appraiser that  
37 he or she intends to repair or rebuild the property and live in  
38 it as his or her primary residence after it is repaired or  
39 rebuilt and does not claim a homestead exemption on any other  
40 property or otherwise violate this section. Failure by the  
41 property owner to commence the repair or rebuilding of the  
42 homestead property within 3 years after January 1 following its  
43 damage or destruction constitutes abandonment of the property as  
44 a homestead.  
45

46        Section 3. This act shall take effect upon becoming a law  
47 and shall apply retroactively to homestead property replaced on  
48 or after January 1, 2006.  
49

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

**HJR 7129 : Conservation and Protection of Natural Resources and Scenic Beauty, Including Fish and Wildlife**

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley		X			
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens		X			
Juan-Carlos Planas	X				
Curtis Richardson		X			
Marco Rubio	X				
John Seiler		X			
David Simmons	X				
Leslie Waters		X			
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 18		Total Nays: 5			

### Appearances:

HJR 7129

Richard Van Murster - Proponent

Fishing for Freedom

P.O. Box 447

Panacea FL 32346

Phone: 984-3492

HJR 7129

Gloria Johnson - Opponent

Founder Cougar Ridge Center

2547 Wayside Farm

Havana FL

Phone: 539-4337

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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# **COUNCIL MEETING REPORT**

## **Fiscal Council**

**4/21/2006 11:15:00AM**

**Location:** 212 Knott Building

HJR 7129

David Glickman (Lobbyist) - Opponent

FL Wildlife Federation

FL

**Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM**

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7173 : Welfare of Children

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7173

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative Galvano offered the following:

**Amendment**

Remove line(s) 1561 through 1570.

===== T I T L E A M E N D M E N T =====

Remove line 62 and insert:

by the act; providing an

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7173

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



1 Council/Committee hearing bill: Fiscal Council

2 Representative Galvano offered the following:

3  
4 **Amendment**

5 Remove line 1571 and insert:

6 Section 15. This act shall take effect July 1, 2006, only  
7 if a specific appropriation to fund the provisions of this bill  
8 is made in the General Appropriations Act for Fiscal Year 2006-  
9 2007.

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7181 : State Planning and Budgeting

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7181

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative Berfield offered the following:

**Amendment**

Remove lines 160 - 161 and insert:

the Governor. The task force shall be composed of members of the  
Legislature and representatives from the private and public  
sectors, as designated by the

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7189 : State Financial Matters

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 20		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

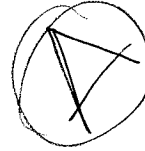
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7189

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council

Representative(s) Brummer offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 11.243, Florida Statutes, is amended to read:

11.243 Publishing Florida Statutes; price, sale.--

(3) All moneys collected from the sale of the Florida Statutes or other publications shall be deposited in the Grants and Donations Trust Fund within the Legislature ~~State Treasury~~ and ~~credited to the appropriation for legislative expense.~~

Section 2. Subsections (2) and (3) of section 11.513, Florida Statutes, are amended, present subsections (5) and (6) of that section are renumbered as subsections (6) and (7), respectively, and a new subsection (5) is added to that section, to read:

11.513 Program evaluation and justification review.--

(2) A state agency's inspector general, internal auditor, or other person designated by the agency head or the Chief Justice of the Supreme Court shall develop, in consultation with the Office of Program Policy Analysis and Government



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Accountability, a plan for monitoring and reviewing the state agency's or the judicial branch's major programs to ensure that performance measures and standards, as well as baseline and previous-year performance data, are maintained and supported by agency records.

(3) The program evaluation and justification review shall be conducted on major programs, but may include other programs. The review shall be comprehensive in its scope but, at a minimum, must be conducted in such a manner as to specifically determine the following, and to consider and determine what changes, if any, are needed with respect thereto:

(a) The identifiable cost of each program.

(b) The specific purpose of each program, as well as the specific public benefit derived therefrom.

(c) Progress toward achieving the outputs and outcomes associated with each program.

(d) An explanation of circumstances contributing to the state agency's ability to achieve, not achieve, or exceed its projected outputs and outcomes, as defined in s. 216.011, associated with each program.

(e) Alternate courses of action that would result in administration of the same program in a more efficient or effective manner. The courses of action to be considered must include, but are not limited to:

1. Whether the program could be organized in a more efficient and effective manner, whether the program's mission, goals, or objectives should be redefined, or, when the state agency cannot demonstrate that its efforts have had a positive effect, whether the program should be reduced in size or eliminated.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 2. Whether the program could be administered more  
54 efficiently or effectively to avoid duplication of activities  
55 and ensure that activities are adequately coordinated.

56 3. Whether the program could be performed more efficiently  
57 or more effectively by another unit of government or a private  
58 entity, or whether a program performed by a private entity could  
59 be performed more efficiently and effectively by a state agency.

60 4. When compared to costs, whether effectiveness warrants  
61 elimination of the program or, if the program serves a limited  
62 interest, whether it should be redesigned to require users to  
63 finance program costs.

64 5. Whether the cost to administer the program exceeds  
65 license and other fee revenues paid by those being regulated.

66 6. Whether other changes could improve the efficiency and  
67 effectiveness of the program.

68 (f) The consequences of discontinuing such program. If any  
69 discontinuation is recommended, such recommendation must be  
70 accompanied by a description of alternatives to implement such  
71 recommendation, including an implementation schedule for  
72 discontinuation and recommended procedures for assisting state  
73 agency employees affected by the discontinuation.

74 (g) Determination as to public policy, which may include  
75 recommendations as to whether it would be sound public policy to  
76 continue or discontinue funding the program, either in whole or  
77 in part, in the existing manner.

78 (h) Whether current performance measures and standards  
79 should be reviewed or amended to assist agencies' and the  
80 judicial branch's efforts in achieving outputs and outcome  
81 measures.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82        (i)~~(h)~~ Whether the information reported as part of the  
83 state's performance-based program budgeting system has relevance  
84 and utility for the evaluation of each program.

85        (j)~~(i)~~ Whether state agency management has established  
86 control systems sufficient to ensure that performance data are  
87 maintained and supported by state agency records and accurately  
88 presented in state agency performance reports.

89        (5) The Office of Program Policy Analysis and Government  
90 Accountability may perform evaluation and justification reviews  
91 when necessary and as directed by the Legislature in order to  
92 determine whether current agency and judicial branch performance  
93 measures and standards are adequate. Reports concerning the  
94 evaluation and review of agency and judicial branch performance  
95 measures and standards shall be submitted to the Executive  
96 Office of the Governor, the President of the Senate, the Speaker  
97 of the House of Representatives, and the chair and vice chair of  
98 the Legislative Budget Commission. Reports concerning the  
99 evaluation and review of judicial branch performance measures  
100 and standards shall be submitted to the Chief Justice of the  
101 Supreme Court.

102        Section 3. Subsection (1) of section 11.151, Florida  
103 Statutes, is amended to read:

104        11.151 Annual legislative appropriation to contingency  
105 fund for use of Senate President and House Speaker.--

106        (1) There is established a legislative contingency fund  
107 consisting of \$20,000 ~~\$10,000~~ for the President of the Senate  
108 and \$20,000 ~~\$10,000~~ for the Speaker of the House of  
109 Representatives, which amounts shall be set aside annually from  
110 moneys appropriated for legislative expense. These funds shall  
111 be disbursed by the Chief Financial Officer upon receipt of  
112 vouchers authorized by the President of the Senate or the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

113 Speaker of the House of Representatives. Such funds may be  
114 expended at the unrestricted discretion of the President of the  
115 Senate or the Speaker of the House of Representatives in  
116 carrying out their official duties during the entire period  
117 between the date of their election as such officers at the  
118 organizational meeting held pursuant to s. 3(a), Art. III of the  
119 State Constitution and the next general election.

120 Section 4. Paragraph (h) of subsection (1) of section  
121 20.435, Florida Statutes, is amended to read:

122 20.435 Department of Health; trust funds.--

123 (1) The following trust funds are hereby created, to be  
124 administered by the Department of Health:

125 (h) Biomedical Research Trust Fund.

126 1. Funds to be credited to the trust fund shall consist of  
127 funds deposited pursuant to s. 215.5601. Funds shall be used for  
128 the purposes of the James and Esther King Biomedical Research  
129 Program as specified in ss. 215.5602 and 288.955. The trust fund  
130 is exempt from the service charges imposed by s. 215.20.

131 2. Notwithstanding the provisions of s. 216.301 and  
132 pursuant to s. 216.351, any balance in the trust fund at the end  
133 of any fiscal year shall remain in the trust fund at the end of  
134 the year and shall be available for carrying out the purposes of  
135 the trust fund. The department may invest these funds  
136 independently through the Chief Financial Officer or may  
137 negotiate a trust agreement with the State Board of  
138 Administration for the investment management of any balance in  
139 the trust fund.

140 3. Notwithstanding s. 216.301 and pursuant to s. 216.351,  
141 any balance of any appropriation from the Biomedical Research  
142 Trust Fund which is not disbursed but which is obligated  
143 pursuant to contract or committed to be expended may be carried

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

144 forward ~~certified by the Governor~~ for up to 3 years following  
145 the effective date of the original appropriation.

146 4. The trust fund shall, unless terminated sooner, be  
147 terminated on July 1, 2008.

148 Section 5. Section 215.18, Florida Statutes, is amended to  
149 read:

150 215.18 Transfers between funds; limitation.--Whenever  
151 there exists in any fund provided for by s. 215.32 a deficiency  
152 which would render such fund insufficient to meet its just  
153 requirements, and there shall exist in the other funds in the  
154 State Treasury moneys which are for the time being or otherwise  
155 in excess of the amounts necessary to meet the just requirements  
156 of such last-mentioned funds, the Governor may order a temporary  
157 transfer of moneys from one fund to another in order to meet  
158 temporary deficiencies in a particular fund without resorting to  
159 the necessity of borrowing money and paying interest thereon.  
160 Any action proposed under this section is subject to the notice  
161 and objection procedures set forth in s. 216.177, and the  
162 Governor shall provide notice of such action at least 7 days  
163 prior to the effective date of the transfer of funds.

164 (1) Except as otherwise provided in s. 216.222(1)(a)2.,  
165 the fund from which any money is temporarily transferred shall  
166 be repaid the amount transferred from it not later than the end  
167 of the fiscal year in which such transfer is made, the date of  
168 repayment to be specified in the order of the Governor.

169 (2) Notwithstanding subsection (1) and for the 2005-2006  
170 fiscal year only, the repayment period for funds temporarily  
171 transferred in fiscal year 2004-2005 to meet deficiencies  
172 resulting from hurricanes striking this state in 2004 may be  
173 extended until grants awarded by the Federal Emergency  
174 Management Agency for FEMA Disaster Declarations 1539-DR-FL,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1545-DR-FL, 1551-DR-FL, and 1561-DR-FL are received. This subsection expires July 1, 2006.

Section 6. Subsections (2) and (4) of section 215.3206, Florida Statutes, are amended to read:

215.3206 Trust funds; termination or re-creation.--

(2) If the trust fund is terminated and not immediately re-created, all cash balances and income of the trust fund shall be deposited into the General Revenue Fund. The agency or Chief Justice shall pay any outstanding debts of the trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the trust fund from the various state financial accounting systems, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities. No appropriation or budget amendment shall be construed to authorize any encumbrance of funds from a trust fund after the date on which the trust fund is terminated or is judicially determined to be invalid.

(4) For the purposes of this section, the Governor, Chief Justice, and agencies shall review the trust funds as they are identified by a classification scheme set out in the legislative budget request instructions pursuant to s. 216.023 consistent with the Department of Financial Services' financial systems by a unique 6-digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2-digit organization level 1, the 1-digit state fund type 2, and the first three digits of the fund identifier. The Governor, Chief Justice, and agencies may also conduct their review and make recommendations concerning accounts within such trust funds.

Section 7. Subsection (1) and paragraph (a) of subsection (2) of section 215.3208, Florida Statutes, are amended to read:

215.3208 Trust funds; legislative review.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(1) In order to implement s. 19(f), Art. III of the State Constitution, for the purpose of reviewing trust funds prior to their automatic termination pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the Legislature shall review all state trust funds at least once every 4 years. The schedule for such review may be included in the legislative budget instructions developed pursuant to the requirements of s. 216.023. The Legislature shall review trust funds as they are identified by a classification scheme set out in the legislative budget request instructions pursuant to s. 216.023 consistent with the Department of Financial Services' financial systems by ~~a unique 6-digit code in the Florida Accounting Information Resource Subsystem at a level composed of the 2-digit organization level 1, the 1-digit state fund type 2, and the first three digits of the fund identifier.~~ When a statutorily created trust fund that was in existence on November 4, 1992, has more than one fund 6-digit code in the financial systems, the Legislature may treat it as a single trust fund for the purposes of this section. The Legislature may also conduct its review concerning accounts within such trust funds.

(2)(a) When the Legislature terminates a trust fund, the agency or branch of state government that administers the trust fund shall pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Chief Financial Officer shall close out and remove the trust fund from the various state financial accounting systems, using generally accepted accounting principles concerning assets, liabilities, and warrants outstanding.

Section 8. Section 215.35, Florida Statutes, is amended to read:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

236        215.35 State funds; warrants and their issuance.--All  
237 warrants issued by the Chief Financial Officer shall be numbered  
238 in a manner that uniquely identifies each warrant for audit and  
239 reconciliation purposes ~~chronological order commencing with~~  
240 ~~number one in each fiscal year and each warrant shall refer to~~  
241 ~~the Chief Financial Officer's voucher by the number thereof,~~  
242 ~~which voucher shall also be numbered as above set forth.~~ Each  
243 warrant shall state the name of the payee thereof and the amount  
244 allowed, and said warrant shall be stated in words at length. No  
245 warrant shall issue until same has been authorized by an  
246 appropriation made by law but such warrant need not state or set  
247 forth such authorization. The Chief Financial Officer shall  
248 register and maintain a record of each warrant in his or her  
249 office. The record shall show the funds, accounts, purposes, and  
250 departments involved in the issuance of each warrant. In those  
251 instances where the expenditure of funds of regulatory boards or  
252 commissions has been provided for by laws other than the annual  
253 appropriations bill, warrants shall be issued upon requisition  
254 to the Chief Financial Officer by the governing body of such  
255 board or commission.

256        Section 9. Subsections (1) and (2), paragraphs (a) and (b)  
257 of subsection (3), and subsection (6) of section 215.422,  
258 Florida Statutes, are amended to read:

259        215.422 Payments, warrants, ~~vouchers,~~ and invoices;  
260 processing time limits; dispute resolution; agency or judicial  
261 branch compliance.--

262        (1) ~~The voucher authorizing payment of~~ An invoice  
263 submitted to an agency of the state or the judicial branch,  
264 required by law to be filed with the Chief Financial Officer,  
265 shall be recorded in the financial systems of the state,  
266 approved for payment by the agency or the judicial branch, and



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267 filed with the Chief Financial Officer not later than 20 days  
268 after receipt of the invoice and receipt, inspection, and  
269 approval of the goods or services, except that in the case of a  
270 bona fide dispute the invoice recorded in the financial systems  
271 of the state ~~voucher~~ shall contain a statement of the dispute  
272 and authorize payment only in the amount not disputed. The Chief  
273 Financial Officer may establish dollar thresholds and other  
274 criteria for all invoices and may delegate to a state agency or  
275 the judicial branch responsibility for maintaining the official  
276 invoices ~~vouchers~~ and documents for invoices which do not exceed  
277 the thresholds or which meet the established criteria. Such  
278 records shall be maintained in accordance with the requirements  
279 established by the Secretary of State. The transmission of an  
280 approved invoice recorded in the financial systems of the state  
281 ~~electronic payment request transmission~~ to the Chief Financial  
282 Officer shall constitute filing of a request ~~voucher~~ for payment  
283 of invoices for which the Chief Financial Officer has delegated  
284 to an agency custody of official records. Approval and  
285 inspection of goods or services shall take no longer than 5  
286 working days unless the bid specifications, purchase order, or  
287 contract specifies otherwise. If an invoice ~~a voucher~~ filed  
288 within the 20-day period is returned by the Department of  
289 Financial Services because of an error, it shall nevertheless be  
290 deemed timely filed. The 20-day filing requirement may be waived  
291 in whole or in part by the Department of Financial Services on a  
292 showing of exceptional circumstances in accordance with rules  
293 and regulations of the department. For the purposes of  
294 determining the receipt of invoice date, the agency or the  
295 judicial branch is deemed to receive an invoice on the date on  
296 which a proper invoice is first received at the place designated  
297 by the agency or the judicial branch. The agency or the judicial

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branch is deemed to receive an invoice on the date of the invoice if the agency or the judicial branch has failed to annotate the invoice with the date of receipt at the time the agency or the judicial branch actually received the invoice or failed at the time the order is placed or contract made to designate a specific location to which the invoice must be delivered.

(2) The Department of Financial Services shall approve payment of an invoice no later than 10 days after the agency's filing of the approved invoice ~~The warrant in payment of an invoice submitted to an agency of the state or the judicial branch shall be issued not later than 10 days after filing of the voucher authorizing payment.~~ However, this requirement may be waived in whole or in part by the Department of Financial Services on a showing of exceptional circumstances in accordance with rules and regulations of the department. If the 10-day period contains fewer than 6 working days, the Department of Financial Services shall be deemed in compliance with this subsection if the payment is approved ~~warrant is issued~~ within 6 working days without regard to the actual number of calendar days. ~~For purposes of this section, a payment is deemed to be issued on the first working day that payment is available for delivery or mailing to the vendor.~~

(3) (a) Each agency of the state or the judicial branch which is required by law to file invoices ~~vouchers~~ with the Chief Financial Officer shall keep a record of the date of receipt of the invoice; dates of receipt, inspection, and approval of the goods or services; date of filing of the approved invoice ~~voucher~~; and date of issuance of the warrant in payment thereof. If the invoice ~~voucher~~ is not filed or the warrant is not issued within the time required, an explanation

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in writing by the agency head or the Chief Justice shall be submitted to the Department of Financial Services in a manner prescribed by it. Agencies and the judicial branch shall continue to deliver or mail state payments promptly.

(b) If a warrant in payment of an invoice is not issued within 40 days after receipt of the invoice and receipt, inspection, and approval of the goods and services, the agency or judicial branch shall pay to the vendor, in addition to the amount of the invoice, interest at a rate as established pursuant to s. 55.03(1) on the unpaid balance from the expiration of such 40-day period until such time as the warrant is issued to the vendor. Such interest shall be added to the invoice at the time of submission to the Chief Financial Officer for payment whenever possible. If addition of the interest penalty is not possible, the agency or judicial branch shall pay the interest penalty payment within 15 days after issuing the warrant. The provisions of this paragraph apply only to undisputed amounts for which payment has been authorized. Disputes shall be resolved in accordance with rules developed and adopted by the Chief Justice for the judicial branch, and rules adopted by the Department of Financial Services or in a formal administrative proceeding before an administrative law judge of the Division of Administrative Hearings for state agencies, provided that, for the purposes of ss. 120.569 and 120.57(1), no party to a dispute involving less than \$1,000 in interest penalties shall be deemed to be substantially affected by the dispute or to have a substantial interest in the decision resolving the dispute. In the case of an error on the part of the vendor, the 40-day period shall begin to run upon receipt by the agency or the judicial branch of a corrected invoice or other remedy of the error. For purposes of this section, the

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360 non-submittal of the appropriate federal taxpayer identification  
361 documentation to the Department of Financial Services by the  
362 vendor will be deemed an error on the part of the vendor and the  
363 vendor will be required to submit the appropriate federal  
364 taxpayer documentation in order to remedy the error. The  
365 provisions of this paragraph do not apply when the filing  
366 requirement under subsection (1) or subsection (2) has been  
367 waived in whole by the Department of Financial Services. The  
368 various state agencies and the judicial branch shall be  
369 responsible for initiating the penalty payments required by this  
370 subsection and shall use this subsection as authority to make  
371 such payments. The budget request submitted to the Legislature  
372 shall specifically disclose the amount of any interest paid by  
373 any agency or the judicial branch pursuant to this subsection.  
374 The temporary unavailability of funds to make a timely payment  
375 due for goods or services does not relieve an agency or the  
376 judicial branch from the obligation to pay interest penalties  
377 under this section.

378 (6) The Department of Financial Services shall monitor  
379 each agency's and the judicial branch's compliance with the time  
380 limits and interest penalty provisions of this section. The  
381 department shall provide a report to an agency or to the  
382 judicial branch if the department determines that the agency or  
383 the judicial branch has failed to maintain an acceptable rate of  
384 compliance with the time limits and interest penalty provisions  
385 of this section. The department shall establish criteria for  
386 determining acceptable rates of compliance. The report shall  
387 also include a list of late invoices ~~vouchers~~ or payments, the  
388 amount of interest owed or paid, and any corrective actions  
389 recommended. The department shall perform monitoring  
390 responsibilities, pursuant to this section, using the Department

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391 of Financial Services' financial systems ~~Management Services and~~  
392 ~~Purchasing Subsystem or the Florida Accounting Information~~  
393 ~~Resource Subsystem~~ provided in s. 215.94. Each agency and the  
394 judicial branch shall be responsible for the accuracy of  
395 information entered into the Department of Management Services'  
396 procurement system ~~Management Services and Purchasing Subsystem~~  
397 and the Department of Financial Services' financial systems  
398 ~~Florida Accounting Information Resource Subsystem~~ for use in  
399 this monitoring.

400 Section 10. Paragraph (d) of subsection (1) of section  
401 215.97, Florida Statutes, is amended to read:

402 215.97 Florida Single Audit Act.--

403 (1) The purposes of the section are to:

404 (d) Provide for identification of state financial  
405 assistance transactions in the ~~appropriations act~~, state  
406 accounting records, and recipient organization records.

407 Section 11. Effective upon this act becoming a law,  
408 paragraphs (bb) and (ss) of subsection (1) of section 216.011,  
409 Florida Statutes, are amended, and paragraphs (tt) and (uu) are  
410 added to that subsection, to read:

411 216.011 Definitions.--

412 (1) For the purpose of fiscal affairs of the state,  
413 appropriations acts, legislative budgets, and approved budgets,  
414 each of the following terms has the meaning indicated:

415 (bb) "Operating capital outlay" means the appropriation  
416 category used to fund equipment, fixtures, and other tangible  
417 personal property of a nonconsumable and nonexpendable nature  
418 under s. 273.025, ~~according to the value or cost specified in s.~~  
419 ~~273.02.~~

420 (ss) "Qualified expenditure category" means the  
421 appropriations category used to fund specific activities and

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projects which must be transferred to one or more appropriation categories for expenditure upon recommendation by the Governor or Chief Justice, as appropriate, and subject to approval by the Legislative Budget Commission. The legislature by law may provide that a specific portion of the funds appropriated in this category be transferred to one or more appropriation categories without approval by the commission and may provide that requirements or contingencies be satisfied prior to the transfer.

(tt) "Incurred obligation" means a legal obligation for goods or services that have been contracted for, referred to as an encumbrance in the state's financial system, or received or incurred by the state and referred to as a payable in the state's financial system.

(uu) "Salary rate reserve" means the withholding of a portion of the annual salary rate for a specific purpose.

Section 12. Paragraphs (h) through (k) are added to subsection (1) of section 216.013, Florida Statutes, and subsection (5) of that section is amended, to read:

216.013 Long-range program plan.--State agencies and the judicial branch shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. The plans shall be policy based, priority driven, accountable, and developed through careful examination and justification of all agency and judicial branch programs.

(1) Long-range program plans shall provide the framework for the development of budget requests and shall identify or update:

(h) Legislatively approved output and outcome performance measures.

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453        (i) Performance standards for each performance measure and  
454 justification for the standards and the sources of data to be  
455 used for measurement.

456        (j) Prior-year performance data on approved performance  
457 measures and an explanation of deviation from expected  
458 performance. Performance data must be assessed for reliability  
459 in accordance with s. 20.055.

460        (k) Proposed performance incentives and disincentives.

461        ~~(5) Following the adoption of the annual General~~  
462 ~~Appropriations Act,~~ The state agencies and the judicial branch  
463 shall make appropriate adjustments to their long-range program  
464 plans, excluding adjustments to performance measures and  
465 standards, to be consistent with the appropriations and  
466 ~~performance measures~~ in the General Appropriations Act and  
467 legislation implementing the General Appropriations Act.  
468 Agencies and the judicial branch have 30 days subsequent to the  
469 effective date of the General Appropriations Act and  
470 implementing legislation ~~until June 30~~ to make adjustments to  
471 their plans as posted on their Internet websites.

472        Section 13. Paragraph (a) of subsection (4) and  
473 subsections (5), (6), and (8) of section 216.023, Florida  
474 Statutes, are amended, and subsections (7), (9), (10), (11), and  
475 (12) are renumbered as subsections (5), (6), (7), (8), and (9),  
476 respectively, to read:

477        216.023 Legislative budget requests to be furnished to  
478 Legislature by agencies.--

479        (4) (a) The legislative budget request must contain for  
480 each program:

481        1. The constitutional or statutory authority for a  
482 program, a brief purpose statement, and approved program  
483 components.

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2. Information on expenditures for 3 fiscal years (actual prior-year expenditures, current-year estimated expenditures, and agency budget requested expenditures for the next fiscal year) by appropriation category.

3. Details on trust funds and fees.

4. The total number of positions (authorized, fixed, and requested).

5. An issue narrative describing and justifying changes in amounts and positions requested for current and proposed programs for the next fiscal year.

6. Information resource requests.

~~7. Legislatively approved Output and outcome performance measures and any proposed revisions to measures.~~

~~8. Proposed performance standards for each performance measure and justification for the standards and the sources of data to be used for measurement.~~

~~9. Prior year performance data on approved performance measures and an explanation of deviation from expected performance. Performance data must be assessed for reliability in accordance with s. 20.055.~~

~~10. Proposed performance incentives and disincentives.~~

7.11. Supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparisons, and impacts on performance standards for any request to outsource or privatize agency functions.

8.12. An evaluation of any major outsourcing and privatization initiatives undertaken during the last 5 fiscal years having aggregate expenditures exceeding \$10 million during the term of the contract. The evaluation shall include an assessment of contractor performance, a comparison of



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515 anticipated service levels to actual service levels, and a  
516 comparison of estimated savings to actual savings achieved.  
517 Consolidated reports issued by the Department of Management  
518 Services may be used to satisfy this requirement.

519 ~~(5) Agencies must maintain a comprehensive performance~~  
520 ~~accountability system and provide a list of performance measures~~  
521 ~~maintained by the agency which are in addition to the measures~~  
522 ~~approved by the Legislature.~~

523 ~~(6) Annually, by June 30, executive agencies shall submit~~  
524 ~~to the Executive Office of the Governor adjustments to their~~  
525 ~~performance standards based on the amounts appropriated for each~~  
526 ~~program by the Legislature. When such an adjustment is made, all~~  
527 ~~performance standards, including any adjustments made, shall be~~  
528 ~~reviewed and revised as necessary by the Executive Office of the~~  
529 ~~Governor and, upon approval, submitted to the Legislature~~  
530 ~~pursuant to the review and approval process provided in s.~~  
531 ~~216.177. The Senate and the House of Representatives~~  
532 ~~appropriations committees shall advise Senate substantive~~  
533 ~~committees and House of Representatives substantive committees,~~  
534 ~~respectively, of all adjustments made to performance standards~~  
535 ~~or measures. The Executive Office of the Governor shall maintain~~  
536 ~~the official record of adjustments to the performance standards.~~  
537 ~~As used in this section, the term "official record" means the~~  
538 ~~official compilation of information about state agency~~  
539 ~~performance-based programs and measures, including approved~~  
540 ~~programs, approved outputs and outcomes, baseline data, approved~~  
541 ~~standards for each performance measure and any approved~~  
542 ~~adjustments thereto, as well as actual agency performance for~~  
543 ~~each measure.~~

544 ~~(8) Annually, by June 30, the judicial branch shall make~~  
545 ~~adjustments to any performance standards for approved programs~~

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~~based on the amount appropriated for each program, which shall  
be submitted to the Legislature pursuant to the notice and  
review process provided in s. 216.177. The Senate and the House  
of Representatives appropriations committees shall advise Senate  
substantive committees and House substantive committees,  
respectively, of all adjustments made to performance standards  
or measures.~~

Section 14. Paragraph (a) of subsection (4) of section  
216.134, Florida Statutes, is amended, and paragraph (c) is  
added to that subsection, to read:

216.134 Consensus estimating conferences; general  
provisions.--

(4) Consensus estimating conferences are within the  
legislative branch. The membership of each consensus estimating  
conference consists of principals and participants.

(a) A person designated by law as a principal may preside  
over conference sessions, convene conference sessions, request  
information, specify topics to be included on the conference  
agenda, agree or withhold agreement on whether information is to  
be official information of the conference, release official  
information of the conference, interpret official information of  
the conference, and monitor errors in official information of  
the conference. The responsibility of presiding over sessions of  
the conference shall be rotated among the principals.

(c) The principals of each conference shall be  
professional staff of the Executive Office of the Governor  
designated by the Governor, the coordinator of the Office of  
Economic and Demographic Research, professional staff of the  
Senate designated by the President of the Senate, and  
professional staff of the House of Representatives designated by  
the Speaker of the House of Representatives, or their designees.

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Section 15. Section 216.136, Florida Statutes, is amended to read:

216.136 Consensus estimating conferences; duties and principals.--

(1) ECONOMIC ESTIMATING CONFERENCE.--

~~(a) Duties.~~ The Economic Estimating Conference shall develop such official information with respect to the national and state economies as the conference determines is needed for the state planning and budgeting system. The basic, long-term forecasts which are a part of its official information shall be trend forecasts. However, the conference may include cycle forecasts as a part of its official information if the subject matter of the forecast warrants a cycle forecast and if such forecast is developed in a special impact session of the conference.

~~(b) Principals.~~ ~~The Executive Office of the Governor, the coordinator of the Office of Economic and Demographic Research, and professional staff of the Senate and House of Representatives who have forecasting expertise, or their designees, are the principals of the Economic Estimating Conference. The responsibility of presiding over sessions of the conference shall be rotated among the principals.~~

(2) DEMOGRAPHIC ESTIMATING CONFERENCE.--

~~(a) Duties.~~ The Demographic Estimating Conference shall develop such official information with respect to the population of the nation and state by age, race, and sex as the conference determines is needed for the state planning and budgeting system. The conference shall use the official population estimates provided under s. 186.901 in developing its official information.

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607 ~~(b) Principals. The Executive Office of the Governor, the~~  
608 ~~coordinator of the Office of Economic and Demographic Research,~~  
609 ~~and professional staff of the Senate and House of~~  
610 ~~Representatives who have forecasting expertise, or their~~  
611 ~~designees, are the principals of the Demographic Estimating~~  
612 ~~Conference. The responsibility of presiding over sessions of~~  
613 ~~the conference shall be rotated among the principals.~~

614 (3) REVENUE ESTIMATING CONFERENCE.--

615 ~~(a) Duties. The Revenue Estimating Conference shall~~  
616 ~~develop such official information with respect to anticipated~~  
617 ~~state and local government revenues as the conference determines~~  
618 ~~is needed for the state planning and budgeting system. Any~~  
619 ~~principal may request the conference to review and estimate~~  
620 ~~revenues for any trust fund.~~

621 ~~(b) Principals. The Executive Office of the Governor, the~~  
622 ~~coordinator of the Office of Economic and Demographic Research,~~  
623 ~~and professional staff of the Senate and House of~~  
624 ~~Representatives who have forecasting expertise, or their~~  
625 ~~designees, are the principals of the Revenue Estimating~~  
626 ~~Conference. The responsibility of presiding over sessions of~~  
627 ~~the conference shall be rotated among the principals.~~

628 (4) EDUCATION ESTIMATING CONFERENCE.--

629 (a) Duties. The Education Estimating Conference shall  
630 develop such official information relating to the state public  
631 and private educational system, including forecasts of student  
632 enrollments, the number of students qualified for state  
633 financial aid programs and for the William L. Boyd, IV, Florida  
634 Resident Access Grant Program and the appropriation required to  
635 fund the full award amounts for each program, fixed capital  
636 outlay needs, and Florida Education Finance Program formula  
637 needs, as the conference determines is needed for the state

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638 planning and budgeting system. The conference's initial  
639 projections of enrollments in public schools shall be forwarded  
640 by the conference to each school district no later than 2 months  
641 prior to the start of the regular session of the Legislature.  
642 Each school district may, in writing, request adjustments to the  
643 initial projections. Any adjustment request shall be submitted  
644 to the conference no later than 1 month prior to the start of  
645 the regular session of the Legislature and shall be considered  
646 by the principals of the conference. A school district may  
647 amend its adjustment request, in writing, during the first 3  
648 weeks of the legislative session, and such amended adjustment  
649 request shall be considered by the principals of the conference.  
650 For any adjustment so requested, the district shall indicate and  
651 explain, using definitions adopted by the conference, the  
652 components of anticipated enrollment changes that correspond to  
653 continuation of current programs with workload changes; program  
654 improvement; program reduction or elimination; initiation of new  
655 programs; and any other information that may be needed by the  
656 Legislature. For public schools, the conference shall submit  
657 its full-time equivalent student consensus estimate to the  
658 Legislature no later than 1 month after the start of the regular  
659 session of the Legislature. No conference estimate may be  
660 changed without the agreement of the full conference.

661 (b) ~~Adjustments.~~—No later than 2 months prior to the  
662 start of the regular session of the Legislature, the conference  
663 shall forward to each eligible postsecondary education  
664 institution its initial projections of the number of students  
665 qualified for state financial aid programs and the appropriation  
666 required to fund those students at the full award amount. Each  
667 postsecondary education institution may request, in writing,  
668 adjustments to the initial projection. Any adjustment request

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669 must be submitted to the conference no later than 1 month prior  
670 to the start of the regular session of the Legislature and shall  
671 be considered by the principals of the conference. For any  
672 adjustment so requested, the postsecondary education institution  
673 shall indicate and explain, using definitions adopted by the  
674 conference, the components of anticipated changes that  
675 correspond to continuation of current programs with enrollment  
676 changes, program reduction or elimination, initiation of new  
677 programs, award amount increases or decreases, and any other  
678 information that is considered by the conference. The conference  
679 shall submit its consensus estimate to the Legislature no later  
680 than 1 month after the start of the regular session of the  
681 Legislature. No conference estimate may be changed without the  
682 agreement of the full conference.

683 ~~(e) Principals. The Commissioner of Education, the~~  
684 ~~Executive Office of the Governor, the coordinator of the Office~~  
685 ~~of Economic and Demographic Research, and professional staff of~~  
686 ~~the Senate and House of Representatives who have forecasting~~  
687 ~~expertise, or their designees, are the principals of the~~  
688 ~~Education Estimating Conference. The Commissioner of Education~~  
689 ~~or his or her designee shall preside over sessions of the~~  
690 ~~conference.~~

691 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

692 ~~(a) Duties. The Criminal Justice Estimating Conference~~  
693 shall:

694 (a)1. Develop such official information relating to the  
695 criminal justice system, including forecasts of prison  
696 admissions and population and of supervised felony offender  
697 admissions and population, as the conference determines is  
698 needed for the state planning and budgeting system.

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699        (b)2. Develop such official information relating to the  
700 number of eligible discharges and the projected number of civil  
701 commitments for determining space needs pursuant to the civil  
702 proceedings provided under part V of chapter 394.

703        (c)3. Develop official information relating to the number  
704 of sexual offenders and sexual predators who are required by law  
705 to be placed on community control, probation, or conditional  
706 release who are subject to electronic monitoring. ~~In addition,~~  
707 ~~the Office of Economic and Demographic Research shall study the~~  
708 ~~factors relating to the sentencing of sex offenders from the~~  
709 ~~point of arrest through the imposition of sanctions by the~~  
710 ~~sentencing court, including original charges, plea negotiations,~~  
711 ~~trial dispositions, and sanctions. The Department of~~  
712 ~~Corrections, the Office of the State Courts Administrator, the~~  
713 ~~Florida Department of Law Enforcement, and the state attorneys~~  
714 ~~shall provide information deemed necessary for the study. The~~  
715 ~~final report shall be provided to the President of the Senate~~  
716 ~~and the Speaker of the House of Representatives by March 1,~~  
717 ~~2006.~~

718        ~~(b) Principals.--The Executive Office of the Governor, the~~  
719 ~~coordinator of the Office of Economic and Demographic Research,~~  
720 ~~and professional staff, who have forecasting expertise, from the~~  
721 ~~Senate, the House of Representatives, and the Supreme Court, or~~  
722 ~~their designees, are the principals of the Criminal Justice~~  
723 ~~Estimating Conference. The principal representing the Executive~~  
724 ~~Office of the Governor shall preside over sessions of the~~  
725 ~~conference.~~

726        (6) SOCIAL SERVICES ESTIMATING CONFERENCE.--

727        ~~(a) Duties.--~~

728        (a)1. The Social Services Estimating Conference shall  
729 develop such official information relating to the social

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730 services system of the state, including forecasts of social  
731 services caseloads, utilization, and expenditures, as the  
732 conference determines is needed for the state planning and  
733 budgeting system. Such official information shall include, but  
734 not be limited to, cash assistance and Medicaid caseloads.

735 ~~(b)2.~~ The Social Services Estimating Conference shall  
736 develop information relating to the Florida Kidcare program,  
737 including, but not limited to, outreach impacts, enrollment,  
738 caseload, utilization, and expenditure information that the  
739 conference determines is needed to plan for and project future  
740 budgets and the drawdown of federal matching funds. ~~The agencies~~  
741 ~~required to collect and analyze Florida Kidcare program data~~  
742 ~~under s. 409.8134 shall be participants in the Social Services~~  
743 ~~Estimating Conference for purposes of developing information~~  
744 ~~relating to the Florida Kidcare program.~~

745 ~~(b) Principals.~~ ~~The Executive Office of the Governor, the~~  
746 ~~coordinator of the Office of Economic and Demographic Research,~~  
747 ~~professional staff who have forecasting expertise from the~~  
748 ~~Department of Children and Family Services, the Agency for~~  
749 ~~Health Care Administration, the Senate, and the House of~~  
750 ~~Representatives, or their designees, are the principals of the~~  
751 ~~Social Services Estimating Conference. The principal~~  
752 ~~representing the Executive Office of the Governor shall preside~~  
753 ~~over sessions of the conference.~~

754 (7) WORKFORCE ESTIMATING CONFERENCE.--

755 ~~(a) Duties.~~

756 ~~(a)1.~~ The Workforce Estimating Conference shall develop  
757 such official information on the workforce development system  
758 planning process as it relates to the personnel needs of  
759 current, new, and emerging industries as the conference  
760 determines is needed by the state planning and budgeting system.



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Such information, using quantitative and qualitative research methods, must include at least: short-term and long-term forecasts of employment demand for jobs by occupation and industry; entry and average wage forecasts among those occupations; and estimates of the supply of trained and qualified individuals available or potentially available for employment in those occupations, with special focus upon those occupations and industries which require high skills and have high entry wages and experienced wage levels. In the development of workforce estimates, the conference shall use, to the fullest extent possible, local occupational and workforce forecasts and estimates.

(b)2. The Workforce Estimating Conference shall review data concerning the local and regional demands for short-term and long-term employment in High-Skills/High-Wage Program jobs, as well as other jobs, which data is generated through surveys conducted as part of the state's Internet-based job matching and labor market information system authorized under s. 445.011. The conference shall consider such data in developing its forecasts for statewide employment demand, including reviewing the local and regional data for common trends and conditions among localities or regions which may warrant inclusion of a particular occupation on the statewide occupational forecasting list developed by the conference. Based upon its review of such survey data, the conference shall also make recommendations semiannually to Workforce Florida, Inc., on additions or deletions to lists of locally targeted occupations approved by Workforce Florida, Inc.

~~3. During each legislative session, and at other times if necessary, the Workforce Estimating Conference shall meet as the Workforce Impact Conference for the purpose of determining the~~

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~~effects of legislation related to the state's workforce and economic development efforts introduced prior to and during such legislative session. In addition to the designated principals of the impact conference, nonprincipal participants of the impact conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The impact conference shall use both quantitative and qualitative research methods to determine the impact of introduced legislation related to workforce and economic development issues.~~

~~(c) 4. Notwithstanding subparagraph 3., The Workforce Estimating Conference, for the purposes described in paragraph (a) subparagraph 1., shall meet no less than 2 times in a calendar year. The first meeting shall be held in February, and the second meeting shall be held in August. Other meetings may be scheduled as needed.~~

~~(b) Principals. The Commissioner of Education, the Executive Office of the Governor, the director of the Office of Tourism, Trade, and Economic Development, the director of the Agency for Workforce Innovation, the executive director of the Commission for Independent Education, the Chancellor of the State University System, the chair of Workforce Florida, Inc., the coordinator of the Office of Economic and Demographic Research, or their designees, and professional staff from the Senate and the House of Representatives who have forecasting and substantive expertise, are the principals of the Workforce Estimating Conference. In addition to the designated principals of the conference, nonprincipal participants of the conference shall include a representative of the Florida Chamber of Commerce and other interested parties. The principal representing the Executive Office of the Governor shall preside over the sessions of the conference.~~

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(8) EARLY LEARNING PROGRAMS ESTIMATING CONFERENCE.--

~~(a) Duties.--~~

(a)1. The Early Learning Programs Estimating Conference shall develop estimates and forecasts of the unduplicated count of children eligible for school readiness programs in accordance with the standards of eligibility established in s. 411.01(6), and of children eligible for the Voluntary Prekindergarten Education Program in accordance with s. 1002.53(2), as the conference determines are needed to support the state planning, budgeting, and appropriations processes.

(b)2. The Agency for Workforce Innovation shall provide information on needs and waiting lists for school readiness programs, and information on the needs for the Voluntary Prekindergarten Education Program, as requested by the Early Learning Programs Estimating Conference or individual conference principals in a timely manner.

~~(b) Principals.--The Executive Office of the Governor, the Director of Economic and Demographic Research, and professional staff who have forecasting expertise from the Agency for Workforce Innovation, the Department of Children and Family Services, the Department of Education, the Senate, and the House of Representatives, or their designees, are the principals of the Early Learning Programs Estimating Conference. The principal representing the Executive Office of the Governor shall preside over sessions of the conference.~~

(9) SELF-INSURANCE ESTIMATING CONFERENCE.--

~~(a) Duties.--~~The Self-Insurance Estimating Conference shall develop such official information on self-insurance related issues as the conference determines is needed by the state planning and budgeting system.

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853 ~~(b) Principals. The Executive Office of the Governor, the~~  
854 ~~coordinator of the Office of Economic and Demographic Research,~~  
855 ~~and professional staff of the Senate and the House of~~  
856 ~~Representatives who have forecasting and substantive experience,~~  
857 ~~or their designees, are the principals of the Self-Insurance~~  
858 ~~Estimating Conference. The responsibility of presiding over~~  
859 ~~sessions of the conference shall be rotated among the~~  
860 ~~principals.~~

861 (10) FLORIDA RETIREMENT SYSTEM ACTUARIAL ASSUMPTION  
862 CONFERENCE.--

863 ~~(a) Duties. The Florida Retirement System Actuarial~~  
864 ~~Assumption Conference shall develop official information with~~  
865 ~~respect to the economic and noneconomic assumptions and funding~~  
866 ~~methods of the Florida Retirement System necessary to perform~~  
867 ~~the system actuarial study undertaken pursuant to s. 121.031(3).~~  
868 ~~Such information shall include: an analysis of the actuarial~~  
869 ~~assumptions and actuarial methods used in the study and a~~  
870 ~~determination of whether changes to the assumptions or methods~~  
871 ~~need to be made due to experience changes or revised future~~  
872 ~~forecasts.~~

873 ~~(b) Principals. The Executive Office of the Governor, the~~  
874 ~~coordinator of the Office of Economic and Demographic Research,~~  
875 ~~and professional staff of the Senate and House of~~  
876 ~~Representatives who have forecasting and substantive expertise,~~  
877 ~~or their designees, are the principals of the Florida Retirement~~  
878 ~~System Actuarial Assumption Conference. The Executive Office of~~  
879 ~~the Governor shall have the responsibility of presiding over the~~  
880 ~~sessions of the conference. The State Board of Administration~~  
881 ~~and the Division of Retirement shall be participants in the~~  
882 ~~conference.~~

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883 Section 16. Paragraph (a) of subsection (2) of section  
884 216.177, Florida Statutes, is amended to read:

885 216.177 Appropriations acts, statement of intent,  
886 violation, notice, review and objection procedures.--

887 (2)(a) Whenever notice of action to be taken by the  
888 Executive Office of the Governor or the Chief Justice of the  
889 Supreme Court is required by law ~~this chapter~~, such notice shall  
890 be given to the chair and vice chair of the Legislative Budget  
891 Commission in writing, and shall be delivered at least 14 days  
892 prior to the action referred to, unless a shorter period is  
893 approved in writing by the chair and vice chair or a different  
894 period is specified by law. If the action is solely for the  
895 release of funds appropriated by the Legislature, the notice  
896 shall be delivered at least 3 days before the effective date of  
897 the action. Action shall not be taken on any budget item for  
898 which this chapter requires notice to the Legislative Budget  
899 Commission or the appropriations committees without such notice  
900 having been provided, even though there may be good cause for  
901 considering such item.

902 Section 17. Subsections (3), (5), (6), and (11) of section  
903 216.181, Florida Statutes, are amended to read:

904 216.181 Approved budgets for operations and fixed capital  
905 outlay.--

906 (3) All amendments to original approved operating budgets,  
907 regardless of funding source, are subject to the notice and  
908 objection ~~review~~ procedures set forth in s. 216.177.

909 (5) An amendment to the original operating budget for an  
910 information technology project or initiative that involves more  
911 than one agency, has an outcome that impacts another agency, or  
912 exceeds \$500,000 in total cost over a 1-year period, except for  
913 those projects that are a continuation of hardware or software

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914 maintenance or software licensing agreements, or that are for  
915 desktop replacement that is similar to the technology currently  
916 in use must be reviewed by the Technology Review Workgroup  
917 pursuant to s. 216.0446 and approved by the Executive Office of  
918 the Governor for the executive branch or by the Chief Justice  
919 for the judicial branch, and shall be subject to the notice and  
920 objection review procedures set forth in s. 216.177.

921 (6)(a) A detailed plan allocating a lump-sum appropriation  
922 to traditional appropriations categories shall be submitted by  
923 the affected agency to the Executive Office of the Governor or  
924 the Chief Justice of the Supreme Court. The Executive Office of  
925 the Governor and the Chief Justice of the Supreme Court shall  
926 submit such plan to the chair and vice chair of the Legislative  
927 Budget Commission either before or concurrent with the  
928 submission of any budget amendment that recommends the transfer  
929 and release of ~~may require the submission of a detailed plan~~  
930 ~~from the agency or entity of the judicial branch affected,~~  
931 ~~consistent with the General Appropriations Act, special~~  
932 ~~appropriations acts, and statements of intent before~~  
933 ~~transferring and releasing the balance of a lump-sum~~  
934 ~~appropriation.~~

935 (b) The Executive Office of the Governor and the Chief  
936 Justice of the Supreme Court may amend, without approval of the  
937 Legislative Budget Commission, state agency and judicial branch  
938 entity budgets, respectively, to reflect the transferred funds  
939 and to provide the associated increased salary rate based on the  
940 approved plans for lump-sum appropriations. Any action proposed  
941 pursuant to this paragraph is subject to the procedures set  
942 forth in s. 216.177.

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The Executive Office of the Governor shall transmit to each state agency and the Chief Financial Officer, and the Chief Justice shall transmit to each judicial branch component and the Chief Financial Officer, any approved amendments to the approved operating budgets.

(8) As part of the approved operating budget, the Executive Office of the Governor shall furnish to each state agency, and the Chief Justice of the Supreme Court shall furnish to the entity of the judicial branch, an approved annual salary rate for each budget entity containing a salary appropriation. This rate shall be based upon the actual salary rate and shall be consistent with the General Appropriations Act or special appropriations acts. The annual salary rate shall be:

(a) Determined by the salary rate specified in the General Appropriations Act and adjusted for reorganizations authorized by law, for any other appropriations made by law, and, subject to s. 216.177, for distributions of lump-sum appropriations and administered funds and for actions that require authorization of salary rate from salary rate reserve and placement of salary rate in salary rate reserve.

(10)(a) The Legislative Budget Commission may authorize increases or decreases in the approved salary rate, except as authorized in s. 216.181(8)(a), for positions pursuant to the request of the agency filed with the Executive Office of the Governor or pursuant to the request of an entity of the judicial branch filed with the Chief Justice of the Supreme Court, if deemed necessary and in the best interest of the state and consistent with legislative policy and intent.

(11) The Executive Office of the Governor and the Chief Justice of the Supreme Court may approve changes in the amounts appropriated from state trust funds in excess of those in the

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975 approved operating budget up to \$1 million only pursuant to the  
976 federal funds provisions of s. 216.212, when grants and  
977 donations are received after April 1, or when deemed necessary  
978 due to a set of conditions that were unforeseen at the time the  
979 General Appropriations Act was adopted and that are essential to  
980 correct in order to continue the operation of government.  
981 Changes in the amounts appropriated from state trust funds in  
982 excess of those in the approved operating budget which are in  
983 excess of \$1 million may be approved only by the Legislative  
984 Budget Commission pursuant to the request of a state agency  
985 filed with the Executive Office of the Governor or pursuant to  
986 the request of an entity of the judicial branch filed with the  
987 Chief Justice of the Supreme Court. The provisions of this  
988 subsection are subject to the notice, ~~review~~, and objection  
989 procedures set forth in s. 216.177.

990 Section 18. Section 216.1811, Florida Statutes, is created  
991 to read:

992 216.1811 Approved operating budgets and appropriations for  
993 the legislative branch.--

994 (1) The Governor and the Chief Financial Officer shall  
995 each make changes to the original approved operating budgets for  
996 operational and fixed capital expenditures relating to the  
997 legislative branch as directed by the presiding officers of the  
998 legislative branch.

999 (2) The Governor and the Chief Financial Officer shall  
1000 each ensure that any balances of appropriations made to the  
1001 legislative branch are carried forward as directed by the  
1002 presiding officers of the legislative branch.

1003 Section 19. Paragraph (e) of subsection (2) of section  
1004 216.1815, Florida Statutes, is amended to read:

1005 216.1815 Agency incentive and savings program.--



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(2) To be eligible to retain funds, an agency or the Chief Justice of the Supreme Court must submit a plan and an associated request to amend its approved operating budget to the Legislative Budget Commission specifying:

(e) How the agency or the judicial branch will meet performance standards, including established by the Legislature ~~and~~ those in its long-range program plan; and

Section 20. Section 216.1827, Florida Statutes, is created to read:

216.1827 Requirements for performance measures and standards.--

(1) Agencies and the judicial branch shall maintain a comprehensive performance accountability system containing, at a minimum, a list of performance measures and standards that are adopted by the Legislature and subsequently amended pursuant to this section.

(2)(a) Agencies and the judicial branch shall submit output and outcome measures and standards as well as historical baseline and performance data pursuant to s. 216.013.

(b) Agencies and the judicial branch shall also submit performance data, measures, and standards to the Office of Program Policy Analysis and Government Accountability upon request for review of the adequacy of the legislatively approved measures and standards.

(3)(a) An agency may submit requests to delete or amend its existing approved performance measures and standards or submit requests to create additional performance measures and standards to the Executive Office of the Governor for review and approval. The request shall document the justification for the change and ensure that the revision, deletion, or addition is consistent with legislative intent. Revisions or deletions to,

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1037 or additions of performance measures and standards approved by  
1038 the Executive Office of the Governor are subject to the review  
1039 and objection procedure set forth in s. 216.177.

1040 (b) The Chief Justice of the Supreme Court may submit  
1041 deletions or amendments of the judicial branch's existing  
1042 approved performance measures and standards or may submit  
1043 additional performance measures and standards to the Legislature  
1044 accompanied with justification for the change and ensure that  
1045 the revision, deletion, or addition is consistent with  
1046 legislative intent. Revisions or deletions to, or additions of  
1047 performance measures and standards submitted by the Chief  
1048 Justice of the Supreme Court are subject to the review and  
1049 objection procedure set forth in s. 216.177.

1050 (4) (a) The Legislature may create, amend, and delete  
1051 performance measures and standards. The Legislature may confer  
1052 with the Executive Office of the Governor for state agencies and  
1053 the Chief Justice of the Supreme Court for the judicial branch  
1054 prior to any such action.

1055 (b) The Legislature may require state agencies to submit  
1056 requests for revisions, additions, or deletions to approved  
1057 performance measures and standards to the Executive Office of  
1058 the Governor for review and approval, subject to the review and  
1059 objection procedure set forth in s. 216.177.

1060 (c) The Legislature may require the judicial branch to  
1061 submit revisions, additions, or deletions to approved  
1062 performance measures and standards to the Legislature, subject  
1063 to the review and objection procedure set forth in s. 216.177.

1064 (d) Any new agency created by the Legislature is subject  
1065 to the initial performance measures and standards established by  
1066 the Legislature. The Legislature may require state agencies and

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the judicial branch to provide any information necessary to  
create initial performance measures and standards.

Section 21. Subsection (3) is added to section 216.251,  
Florida Statutes, to read:

216.251 Salary appropriations; limitations.--

(3) An agency may not provide general salary increases or  
pay additives for a cohort of positions sharing the same job  
classification or job occupations which the Legislature has not  
authorized in the General Appropriations Act or other laws.

Section 22. Subsection (3), paragraph (b) of subsection  
(4), and subsection (5) of section 216.292, Florida Statutes,  
are amended, and subsection (7) is added to that section, to  
read:

216.292 Appropriations nontransferable; exceptions.--

(3) The following transfers are authorized with the  
approval of the Executive Office of the Governor for the  
executive branch or the Chief Justice for the judicial branch,  
subject to the notice and objection ~~review~~ provisions of s.  
216.177:

(a) The transfer of appropriations for operations from  
trust funds in excess of those provided in subsection (2), up to  
\$1 million.

(b) The transfer of positions between budget entities.

(4) The following transfers are authorized with the  
approval of the Legislative Budget Commission. Unless waived by  
the chair and vice chair of the commission, notice of such  
transfers must be provided 14 days before the commission  
meeting:

(b) The transfer of appropriations for operations from  
trust funds in excess of those authorized ~~provided~~ in subsection  
(2) or subsection (3) ~~this section that exceed the greater of 5~~

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1098 ~~percent of the original approved budget or \$1 million, as~~  
1099 recommended by the Executive Office of the Governor or the Chief  
1100 Justice of the Supreme Court.

1101 (5) A transfer of funds may not result in the initiation  
1102 of a fixed capital outlay project that has not received a  
1103 specific legislative appropriation, except that federal funds  
1104 for fixed capital outlay projects for the Department of Military  
1105 Affairs, which do not carry a continuing commitment on future  
1106 appropriations by the Legislature, may be approved by the  
1107 Executive Office of the Governor for the purpose received,  
1108 subject to the notice, ~~review~~, and objection procedures set  
1109 forth in s. 216.177.

1110 (7) The provisions of this section do not apply to the  
1111 budgets for the legislative branch.

1112 Section 23. Effective upon this act becoming a law,  
1113 subsections (1) and (3) and paragraph (a) of subsection (2) of  
1114 section 216.301, Florida Statutes, as amended by section 40 of  
1115 chapter 2005-152, Laws of Florida, are amended to read:

1116 216.301 Appropriations; undisbursed balances.--

1117 (1)(a) As of June 30th of each year, for appropriations  
1118 for operations only, each department and the judicial branch  
1119 shall identify in the state's financial system any incurred  
1120 obligation which has not been disbursed, showing in detail the  
1121 commitment or to whom obligated and the amounts of such  
1122 commitments or obligations. Any appropriation not identified as  
1123 an incurred obligation effective June 30th shall revert to the  
1124 fund from which it was appropriated and shall be available for  
1125 reappropriation by the Legislature.

1126 (b) The undisbursed release balance of any authorized  
1127 appropriation, except an appropriation for fixed capital outlay,  
1128 for any given fiscal year remaining on June 30 of the fiscal

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1129 year shall be carried forward in an amount equal to the incurred  
1130 obligations identified in paragraph (a). Any such incurred  
1131 obligations remaining undisbursed on September 30 shall revert  
1132 to the fund from which appropriated and shall be available for  
1133 reappropriation by the Legislature. The Chief Financial Officer  
1134 will monitor changes made to incurred obligations prior to the  
1135 September 30 reversion to ensure generally accepted accounting  
1136 principles and legislative intent are followed.

1137 (c) In the event an appropriate identification of an  
1138 incurred obligation is not made and an incurred obligation is  
1139 proven to be legal, due, and unpaid, then the incurred  
1140 obligation shall be paid and charged to the appropriation for  
1141 the current fiscal year of the state agency or the legislative  
1142 or judicial branch affected.

1143 ~~(1)(a) Any balance of any appropriation, except an~~  
1144 ~~appropriation for fixed capital outlay, which is not disbursed~~  
1145 ~~but which is expended shall, at the end of each fiscal year, be~~  
1146 ~~certified by the head of the affected state agency or the~~  
1147 ~~judicial or legislative branches, on or before August 1 of each~~  
1148 ~~year, to the Executive Office of the Governor, showing in detail~~  
1149 ~~the obligees to whom obligated and the amounts of such~~  
1150 ~~obligations. Any such encumbered balance remaining undisbursed~~  
1151 ~~on September 30 of the same calendar year in which such~~  
1152 ~~certification was made shall revert to the fund from which~~  
1153 ~~appropriated, except as provided in subsection (3), and shall be~~  
1154 ~~available for reappropriation by the Legislature. In the event~~  
1155 ~~such certification is not made and an obligation is proven to be~~  
1156 ~~legal, due, and unpaid, then the obligation shall be paid and~~  
1157 ~~charged to the appropriation for the current fiscal year of the~~  
1158 ~~state agency or the legislative or judicial branch affected.~~

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1159 ~~(b) Any balance of any appropriation, except an~~  
1160 ~~appropriation for fixed capital outlay, for any given fiscal~~  
1161 ~~year remaining after charging against it any lawful expenditure~~  
1162 ~~shall revert to the fund from which appropriated and shall be~~  
1163 ~~available for reappropriation by the Legislature.~~

1164 ~~(d)(e)~~ Each department and the judicial branch shall  
1165 maintain the integrity of the General Revenue Fund.  
1166 Appropriations from the General Revenue Fund contained in the  
1167 original approved budget may be transferred to the proper trust  
1168 fund for disbursement. Any reversion of appropriation balances  
1169 from programs which receive funding from the General Revenue  
1170 Fund and trust funds shall be transferred to the General Revenue  
1171 Fund within 15 days after such reversion, unless otherwise  
1172 provided by federal or state law, including the General  
1173 Appropriations Act. The Executive Office of the Governor or the  
1174 Chief Justice of the Supreme Court shall determine the state  
1175 agency or judicial branch programs which are subject to this  
1176 paragraph. This determination shall be subject to the  
1177 legislative consultation and objection process in this chapter.  
1178 The Education Enhancement Trust Fund shall not be subject to the  
1179 provisions of this section.

1180 (2)(a) The balance of any appropriation for fixed capital  
1181 outlay which is not disbursed but expended, contracted, or  
1182 committed to be expended prior to February 1 of the second  
1183 fiscal year of the appropriation, or the third fiscal year if it  
1184 is for an educational facility as defined in chapter 1013 or for  
1185 a construction project of a state university, shall be certified  
1186 by the head of the affected state agency ~~or the legislative or~~  
1187 judicial branch on February 1 to the Executive Office of the  
1188 Governor, showing in detail the commitment or to whom obligated  
1189 and the amount of the commitment or obligation. The Executive

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Office of the Governor for the executive branch and the Chief Justice for the judicial branch shall review and approve or disapprove, consistent with criteria jointly developed by the Executive Office of the Governor and the legislative appropriations committees, the continuation of such unexpended balances. The Executive Office of the Governor shall, no later than February ~~28~~ 20 of each year, furnish the Chief Financial Officer, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.

~~(3) The President of the Senate and the Speaker of the House of Representatives may notify the Executive Office of the Governor to retain certified forward balances from legislative budget entities until June 30 of the following fiscal year.~~

Section 24. Subsection (2) of section 252.37, Florida Statutes, is amended to read:

252.37 Financing.--

(2) It is the legislative intent that the first recourse be made to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds in coping with a particular disaster declared by the Governor as a state of emergency are unreasonably great, she or he may make funds available by transferring and expending moneys appropriated for other purposes, by transferring and expending moneys out of any unappropriated surplus funds, or from the Budget Stabilization Fund. Following the expiration or termination of the state of emergency, the Governor may transfer moneys with a budget amendment, subject to approval by the Legislative Budget Commission, ~~process a budget amendment under the notice and review procedures set forth in s. 216.177 to~~

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1221 ~~transfer moneys~~ to satisfy the budget authority granted for such  
1222 emergency.

1223 Section 25. Section 273.02, Florida Statutes, is amended  
1224 to read:

1225 273.02 Record and inventory of certain property.--The word  
1226 "property" as used in this section means equipment, fixtures,  
1227 and other tangible personal property of a nonconsumable and  
1228 nonexpendable nature. The Chief Financial Officer shall  
1229 establish by rule the requirements for the recording of property  
1230 in the state's financial systems and for the periodic review of  
1231 property for inventory purposes., ~~the value or cost of which is~~  
1232 ~~\$1,000 or more and the normal expected life of which is 1 year~~  
1233 ~~or more, and hardback-covered bound books that are circulated to~~  
1234 ~~students or the general public, the value or cost of which is~~  
1235 ~~\$25 or more, and hardback-covered bound books, the value or cost~~  
1236 ~~of which is \$250 or more. Each item of property which it is~~  
1237 ~~practicable to identify by marking shall be marked in the manner~~  
1238 ~~required by the Auditor General. Each custodian shall maintain~~  
1239 ~~an adequate record of property in his or her custody, which~~  
1240 ~~record shall contain such information as shall be required by~~  
1241 ~~the Auditor General. Once each year, on July 1 or as soon~~  
1242 ~~thereafter as is practicable, and whenever there is a change of~~  
1243 ~~custodian, each custodian shall take an inventory of property in~~  
1244 ~~his or her custody. The inventory shall be compared with the~~  
1245 ~~property record, and all discrepancies shall be traced and~~  
1246 ~~reconciled. All publicly supported libraries shall be exempt~~  
1247 ~~from marking hardback-covered bound books, as required by this~~  
1248 ~~section. The catalog and inventory control records maintained by~~  
1249 ~~each publicly supported library shall constitute the property~~  
1250 ~~record of hardback-covered bound books with a value or cost of~~  
1251 ~~\$25 or more included in each publicly supported library~~



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~~collection and shall serve as a perpetual inventory in lieu of  
an annual physical inventory. All books identified by these  
records as missing shall be traced and reconciled, and the  
library inventory shall be adjusted accordingly.~~

Section 26. Section 273.025, Florida Statutes, is created  
to read:

273.025 Financial reporting for recorded property.--The  
Chief Financial Officer shall establish by rule the requirements  
for the capitalization of property that has been recorded in the  
state's financial systems.

Section 27. Subsections (2) and (5) of section 273.055,  
Florida Statutes, are amended to read:

273.055 Disposition of state-owned tangible personal  
property.--

(2) Custodians shall maintain records to identify each  
property item as to disposition. Such records shall comply with  
rules issued by the Chief Financial Officer ~~Auditor General~~.

(5) All moneys received from the disposition of state-  
owned tangible personal property or from any agreement entered  
into under this chapter must be retained by the custodian and  
may be disbursed for the acquisition of exchange and surplus  
property and for all necessary operating expenditures, ~~and are  
appropriated for these purposes.~~ The custodian shall maintain  
records of the accounts into which the money is deposited.

Section 28. Section 274.02, Florida Statutes, is amended  
to read:

274.02 Record and inventory of certain property.--

(1) The word "property" as used in this section means  
fixtures and other tangible personal property of a nonconsumable  
nature ~~the value of which is \$1,000 or more and the normal  
expected life of which is 1 year or more.~~

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1283       (2) The Chief Financial Officer shall establish by rule  
1284 the requirements for the recording of property and for the  
1285 periodic review of property for inventory purposes. Each item of  
1286 property which it is practicable to identify by marking shall be  
1287 marked in the manner required by the Auditor General. Each  
1288 governmental unit shall maintain an adequate record of its  
1289 property, which record shall contain such information as shall  
1290 be required by the Auditor General. Each governmental unit shall  
1291 take an inventory of its property in the custody of a custodian  
1292 whenever there is a change in such custodian. A complete  
1293 physical inventory of all property shall be taken annually, and  
1294 the date inventoried shall be entered on the property record.  
1295 The inventory shall be compared with the property record, and  
1296 all discrepancies shall be traced and reconciled.

1297       Section 29. Paragraph (b) of subsection (3) of section  
1298 338.2216, Florida Statutes, is amended to read:

1299       338.2216 Florida Turnpike Enterprise; powers and  
1300 authority.--

1301       (3)

1302       (b) Notwithstanding the provisions of s. 216.301 to the  
1303 contrary and in accordance with s. 216.351, the Executive Office  
1304 of the Governor shall, on July 1 of each year, certify forward  
1305 all unexpended funds appropriated or provided pursuant to this  
1306 section for the turnpike enterprise. Of the unexpended funds  
1307 certified forward, any unencumbered amounts shall be carried  
1308 forward. Such funds carried forward shall not exceed 5 percent  
1309 of the original approved total operating budget as defined in s.  
1310 216.181(1) of the turnpike enterprise. Funds carried forward  
1311 pursuant to this section may be used for any lawful purpose,  
1312 including, but not limited to, promotional and market  
1313 activities, technology, and training. Any certified forward

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funds remaining undisbursed on September 30 ~~December 31~~ of each year shall be carried forward.

Section 30. Subsection (4) of section 1011.57, Florida Statutes, is amended to read:

1011.57 Florida School for the Deaf and the Blind; board of trustees; management flexibility.--

(4) Notwithstanding the provisions of s. 216.301 to the contrary, ~~the Executive Office of the Governor shall, on July 1 of each year, certify forward~~ all unexpended funds appropriated for the Florida School for the Deaf and the Blind. ~~The unexpended amounts in any fund~~ shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 31. Section 215.29, Florida Statutes, is repealed.

Section 32. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

===== T I T L E   A M E N D M E N T =====

Remove the entire title and insert:

An act relating to state financial matters; amending s. 11.243, F.S.; providing for the moneys collected from the sale of the Florida Statutes or other publications to be deposited in a specified trust fund; amending s. 11.513, F.S.; requiring the Chief Justice of the Supreme Court to develop program monitoring plans; requiring that additional data be included in the plans for monitoring major programs of state agencies and the judicial branch and in the reviews of those programs; providing for the Office of Program Policy Analysis and Government Accountability to review agency and judicial branch

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1345 performance standards and report to the Governor, the  
1346 Legislature, and the Legislative Budget Commission;  
1347 amending s. 11.151, F.S.; revising the annual  
1348 appropriation to a certain legislative contingency fund;  
1349 amending s. 20.435, F.S.; revising a provision relating to  
1350 certain undisbursed balances of appropriations from the  
1351 Biomedical Research Trust Fund; amending s. 215.18, F.S.;  
1352 requiring that the Governor provide prior notice of  
1353 transfers between certain funds; amending s. 215.3206,  
1354 F.S.; replacing references to a 6-digit fund code in the  
1355 Florida Accounting Information Resource Subsystem with a  
1356 classification scheme consistent with the Department of  
1357 Financial Services' financial systems; amending s.  
1358 215.3208, F.S.; revising references to conform; amending  
1359 s. 215.35, F.S.; revising a provision relating to the  
1360 numbering of warrants issued by the Chief Financial  
1361 Officer; amending s. 215.422, F.S.; replacing a reference  
1362 to certain vouchers with the terms "invoice" or  
1363 "invoices"; clarifying that agencies or the judicial  
1364 branch record and approve certain invoices by a specified  
1365 date; revising provisions relating to the Department of  
1366 Financial Services' approval of payment of certain  
1367 invoices; providing that a vendor who does not submit the  
1368 appropriate federal taxpayer identification documentation  
1369 to the department will be deemed an error on the part of  
1370 the vendor; revising references to conform; amending s.  
1371 215.97, F.S.; removing a reference to the appropriations  
1372 act in a provision relating to the purposes of the Florida  
1373 Single Audit Act; amending s. 216.011, F.S.; revising the  
1374 definition of "operating capital outlay"; providing the  
1375 Legislature certain authority relating to qualified

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1376 expenditure category funds; defining the terms "incurred  
1377 obligation" and "salary rate reserve" for purposes of  
1378 state fiscal affairs, appropriations, and budgets;  
1379 amending s. 216.013, F.S.; revising requirements for  
1380 information regarding performance measures to be included  
1381 in the long-range program plans of state agencies and the  
1382 judicial branch; revising a provision relating to making  
1383 adjustments to long-range program plans; amending s.  
1384 216.023, F.S.; revising certain requirements for  
1385 legislative budget requests; deleting a provision  
1386 requiring agencies to maintain a certain performance  
1387 accountability system and provide a list of performance  
1388 measures; deleting a provision relating to adjustments to  
1389 executive agency performance standards; deleting a  
1390 provision relating to adjustments to judicial branch  
1391 performance standards; amending s. 216.134, F.S.;  
1392 providing for the responsibility of presiding over  
1393 sessions of consensus estimating conferences; amending s.  
1394 216.136, F.S.; revising provisions relating to the  
1395 principals of consensus estimating conferences; revising  
1396 the duties of certain agencies relating to the Criminal  
1397 Justice Estimating Conference, the Social Services  
1398 Estimating Conference, and the Workforce Estimating  
1399 Conference; amending s. 216.177, F.S.; clarifying the  
1400 circumstances under which the Executive Office of the  
1401 Governor and the Chief Justice of the Supreme Court are  
1402 required to provide notice to the chair and vice chair of  
1403 the Legislative Budget Commission; amending s. 216.181,  
1404 F.S.; providing that amendments to certain approved  
1405 operating budgets are subject to objection procedures;  
1406 requiring that state agencies submit to the chair and vice

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1407 chair of the Legislative Budget Commission a plan for  
1408 allocating any lump-sum appropriation in a budget  
1409 amendment; creating s. 216.1811, F.S.; providing  
1410 requirements for the Governor and the Chief Financial  
1411 Officer relating to certain approved operating budgets for  
1412 the legislative branch and appropriations made to the  
1413 legislative branch; amending s. 216.1815, F.S.; revising  
1414 certain requirements for the performance standards  
1415 included in an amended operating budget plan and request  
1416 submitted to the Legislative Budget Commission; creating  
1417 s. 216.1827, F.S.; requiring that each state agency and  
1418 the judicial branch maintain a performance accountability  
1419 system; requiring agencies and the judicial branch to  
1420 submit specified information to the Executive Office of  
1421 the Governor and the Legislature or the Office of Program  
1422 Policy Analysis and Government Accountability for review;  
1423 providing guidelines for requests to delete or amend  
1424 existing approved performance measures and standards;  
1425 specifying authority of the Legislature relating to agency  
1426 and judicial branch performance measures and standards;  
1427 amending s. 216.251, F.S.; prohibiting an agency from  
1428 providing salary increases or pay additives for certain  
1429 positions without legislative authorization; amending s.  
1430 216.292, F.S.; providing that certain transfers between  
1431 budget entities are subject to objection procedures;  
1432 clarifying provisions authorizing certain transfers of  
1433 appropriations from trust funds; providing that  
1434 requirements of specified provisions relating to  
1435 appropriations being nontransferable do not apply to  
1436 legislative branch budgets; amending s. 216.301, F.S.;  
1437 revising the requirements for undisbursed balances of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1438 appropriations; revising a procedure for identifying and  
1439 paying incurred obligations; removing a provision relating  
1440 to notification to retain certain balances from  
1441 legislative budget entities; amending s. 252.37, F.S.;  
1442 providing that a transfer of moneys with a budget  
1443 amendment following a state of emergency is subject to  
1444 approval by the Legislative Budget Commission; amending s.  
1445 273.02, F.S.; revising a definition; requiring the Chief  
1446 Financial Officer to establish certain requirements by  
1447 rule relating to the recording and inventory of certain  
1448 state-owned property; creating s. 273.025, F.S.; requiring  
1449 the Chief Financial Officer to establish by rule certain  
1450 requirements relating to the capitalization of certain  
1451 property; amending s. 273.055, F.S.; revising  
1452 responsibility for rules relating to maintaining records  
1453 as to disposition of state-owned tangible personal  
1454 property; revising a provision relating to use of moneys  
1455 received from the disposition of state-owned tangible  
1456 personal property; amending s. 274.02, F.S.; revising a  
1457 definition; requiring the Chief Financial Officer to  
1458 establish by rule requirements relating to the recording  
1459 and inventory of certain property owned by local  
1460 governments; amending s. 338.2216, F.S.; revising  
1461 requirements relating to unexpended funds appropriated or  
1462 provided for the Florida Turnpike Enterprise; amending s.  
1463 1011.57, F.S.; revising requirements relating to  
1464 unexpended funds appropriated to the Florida School for  
1465 the Deaf and the Blind; repealing s. 215.29, F.S.,  
1466 relating to the classification of Chief Financial  
1467 Officer's warrants; providing effective dates.

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7197 : Governmental Operations

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 20		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM





HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7197

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

W/D

Council/Committee hearing bill: Fiscal Council

Representative(s) Benson offered the following:

**Amendment (with directory and title amendments)**

Between line(s) 72 and 73 insert:

Section 2. Section 282.318, Florida Statutes, is amended  
to read:

282.318 Security of data and information technology  
resources.--

(1) This section may be cited as the "Security of Data and  
Information Technology Resources Act."

(2)(a) The Department of Management Services, hereafter  
referred to as the department ~~The State Technology Office~~, in  
consultation with each agency head, is responsible for  
coordinating, assessing, and recommending minimum operating  
procedures for and accountable for assuring an adequate level of  
security for ~~all~~ data and information technology resources. To  
assist the department in carrying ~~of each agency and, to carry~~  
out this responsibility, each agency shall, at a minimum:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

20        (a)1- Designate an information security manager who shall  
21 administer the security program of each agency for its data and  
22 information technology resources.

23        (b)2- Conduct, and ~~periodically~~ update every 3 years, a  
24 comprehensive risk analysis to determine the security threats to  
25 the data, information, and information technology resources of  
26 each agency. The risk analysis information is confidential and  
27 exempt from the provisions of s. 119.07(1), except that such  
28 information shall be available to the Auditor General in  
29 performing his or her postauditing duties.

30        (c)3- Develop, and periodically update, written internal  
31 policies and procedures that are consistent with the standard  
32 operating procedures recommended by the department to assure the  
33 security of the data and information technology resources of  
34 each agency. The internal policies and procedures which, if  
35 disclosed, could facilitate the unauthorized modification,  
36 disclosure, or destruction of data or information technology  
37 resources are confidential information and exempt from the  
38 provisions of s. 119.07(1), except that such information shall  
39 be available to the Auditor General in performing his or her  
40 postauditing duties.

41        (d)4- Implement appropriate cost-effective safeguards to  
42 reduce, eliminate, or recover from the identified risks to the  
43 data and information technology resources of each agency.

44        (e)5- Ensure that periodic internal audits and evaluations  
45 of each security program for the data, information, and  
46 information technology resources of the agency are conducted.  
47 The results of such internal audits and evaluations are  
48 confidential information and exempt from the provisions of s.  
49 119.07(1), except that such information shall be available to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

the Auditor General in performing his or her postauditing duties.

~~(f)6-~~ Include appropriate security requirements, ~~as determined by the State Technology Office, in consultation with each agency head,~~ in the written specifications for the solicitation of information technology resources which are consistent with the standard security operating procedures as recommended by the department.

~~(b)~~ In those instances in which the department ~~State Technology Office~~ develops state contracts for use by state agencies, the department ~~office~~ shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

(3) In order to ensure the security of data, information, and information technology resources, the department shall establish the Office of Information Security and shall designate a Chief Information Security Officer as the head of the office. The office shall coordinate its activities with the Agency Chief Information Officers Council as established in s. 282.315. The office is responsible for developing a strategic plan for information technology security which shall be submitted by December 1, 2006, to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives; developing standards and templates for conducting comprehensive risk analyses and information security audits by state agencies; assisting agencies in their compliance with the provisions of this section; establishing minimum standards for the recovery of information technology following a disaster; and conducting training for agency information

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

80 security managers. This subsection shall expire on June 30,  
81 2007.

82 Section 3. The Legislature finds that infrastructure  
83 enhancements and improvements to the radio system used by state  
84 law enforcement agencies will provide increased protection to  
85 the residents of this state and should be considered for  
86 additional funding. In order to ensure continued, improved  
87 communication and protection by state and local law enforcement  
88 personnel, the recommendations of the Joint Task Force on State  
89 Agency Law Enforcement Communications, dated February 2005, or  
90 any subsequent recommendations of the joint task force, should  
91 be implemented contingent upon the appropriation of funds.

92 Section 4. For fiscal year 2006-2007, seven positions are  
93 authorized and \$750,000 nonrecurring is appropriated from the  
94 General Revenue Fund to the Department of Management Services  
95 for personnel and other expenses related to the Office of  
96 Information Security.

97  
98  
99 ===== T I T L E A M E N D M E N T =====

100 Remove line(s) 16-17 and insert:

101 regulatory fees by the Legislature; amending s. 282.318, F.S.;  
102 requiring the Department of Management Services to recommend  
103 minimum operating procedures for the security of data and  
104 information technology resources; requiring each agency to  
105 conduct certain procedures to assure the security of data,  
106 information, and information technology resources; requiring  
107 that the results of certain internal audits and evaluations be  
108 available to the Auditor General; requiring the department to  
109 establish an Office of Information Security and to designate a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

110 Chief Information Security Officer; requiring the office to  
111 develop a strategic plan; providing that the office is  
112 responsible for certain procedures and standards; providing  
113 legislative findings with respect to the provision of additional  
114 funds for enhancements and improvements to the radio system used  
115 by state law enforcement agencies; providing an appropriation;  
116 providing an effective date.

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# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7207 : Water Management Districts

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler		X			
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 19		Total Nays: 1			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM





# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7213 : Quick Action Closing Fund

<input checked="" type="checkbox"/> Favorable					
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway	X				
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens	X				
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 21		Total Nays: 0			

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM



# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 7235 : Continuing Implementation of Constitutional Revision 7 to Article V

☒ Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Gustavo Barreiro	X				
Aaron Bean	X				
Anna Benson	X				
Kim Berfield	X				
Donald Brown	X				
Frederick Brummer	X				
Don Davis	X				
Nancy Detert	X				
Ron Greenstein	X				
Wilbert Holloway			X		
Jeffrey Kottkamp	X				
Stan Mayfield	X				
Sheri McInvale	X				
Joe Pickens			X		
Juan-Carlos Planas			X		
Curtis Richardson	X				
Marco Rubio			X		
John Seiler	X				
David Simmons	X				
Leslie Waters	X				
Juan Zapata	X				
Joe Negron (Chair)	X				
Total Yeas: 19		Total Nays: 0			

### Appearances:

HB 7235

Jeff Porter - Opponent

Legislative Advocate

100 S. Monroe

Tallahassee FL 32301

Phone: 922-4300

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 7235

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council  
Representative(s) Kottkamp offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Subsection (6) of section 27.52, Florida  
Statutes, is amended to read:

27.52 Determination of indigent status.--

(6) DUTIES OF PARENT OR LEGAL GUARDIAN.--A nonindigent  
parent or legal guardian of an applicant who is a minor or an  
adult tax-dependent person shall furnish the minor or adult tax-  
dependent person with the necessary legal services and costs  
incident to a delinquency proceeding or, upon transfer of such  
person for criminal prosecution as an adult pursuant to chapter  
985, a criminal prosecution in which the person has a right to  
legal counsel under the Constitution of the United States or the  
Constitution of the State of Florida. The failure of a parent or  
legal guardian to furnish legal services and costs under this  
section does not bar the appointment of legal counsel pursuant  
to this section, s. 27.40, or s. 27.5303. When the public  
defender, a private court-appointed conflict counsel, or a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

private attorney is appointed to represent a minor or an adult tax-dependent person in any proceeding in circuit court or in a criminal or delinquency proceeding in any other court, the parents or the legal guardian shall be liable for payment of the fees, charges, and costs of the representation even if the person is a minor being tried as an adult. Liability for the fees, charges, and costs of the representation shall be imposed in the form of a lien against the property of the ~~nonindigent~~ parents or legal guardian of the minor or adult tax-dependent person. The lien is enforceable as provided in s. 27.561 or s. 938.29.

Section 2. Subsection (3) of section 27.561, Florida Statutes, is amended to read:

27.561 Effect of nonpayment.--

(3) If it appears to the satisfaction of the court that the default in the payment of the attorney's fees or costs is not contempt, the court may enter an order allowing the defendant-recipient or parent additional time for, ~~or reducing the amount of,~~ payment ~~or revoking the assessed attorney's fees or costs, or the unpaid portion thereof, in whole or in part.~~ If the court allows additional time for payment, the defendant-recipient or parent shall be enrolled in a payment plan pursuant to s. 28.246(4).

Section 3. Paragraph (e) of subsection (12) of section 28.24, Florida Statutes, is amended to read:

28.24 Service charges by clerk of the circuit court.--The clerk of the circuit court shall charge for services rendered by the clerk's office in recording documents and instruments and in performing the duties enumerated in amounts not to exceed those specified in this section. Notwithstanding any other provision of this section, the clerk of the circuit court shall provide

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

without charge to the state attorney, public defender, guardian ad litem, public guardian, attorney ad litem, and court-appointed counsel paid by the state, and to the authorized staff acting on behalf of each, access to and a copy of any public record, if the requesting party is entitled by law to view the exempt or confidential record, as maintained by and in the custody of the clerk of the circuit court as provided in general law and the Florida Rules of Judicial Administration. The clerk of the circuit court may provide the requested public record in an electronic format in lieu of a paper format when capable of being accessed by the requesting entity.

Charges

(12) For recording, indexing, and filing any instrument not more than 14 inches by 8 1/2 inches, including required notice to property appraiser where applicable:

(e) An additional service charge of \$4 per page shall be paid to the clerk of the circuit court for each instrument listed in s. 28.222, except judgments received from the courts and notices of lis pendens, recorded in the official records. From the additional \$4 service charge collected:

1. If the counties maintain legal responsibility for the costs of the court-related technology needs as defined in s. 29.008(1)(f)2. and (h):

a. 5 ~~10~~ cents shall be distributed to the Florida Association of Court Clerks and Comptroller, Inc., for the cost of development, implementation, operation, and maintenance of the clerks' Comprehensive Case Information System, in which system all clerks shall participate on or before January 1, 2006~~7~~. The Florida Association of Court Clerks and Comptroller,



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

85 Inc., shall provide for an annual operational audit, as defined  
86 in s. 11.45(1)(g), of its financial accounts and records  
87 relating to the Comprehensive Case Information System fees by an  
88 independent certified public accountant. Such audit shall be  
89 performed in accordance with Government Auditing Standards as  
90 adopted by the State Board of Accountancy and include a  
91 determination as to whether the fees distributed to the Florida  
92 Association of Court Clerks and Comptroller were expended solely  
93 for the purposes stated above. The annual audit report must be  
94 submitted within 90 days after the end of the association's  
95 fiscal year to the Governor's Office, Senate and House  
96 appropriations committees, and the Auditor General for review.  
97 However, at its discretion, the Joint Legislative Auditing  
98 Committee may require the Auditor General or other entity to  
99 conduct the audit.

100 b. \$1.90 shall be retained by the clerk to be deposited in  
101 the Public Records Modernization Trust Fund and used exclusively  
102 for funding court-related technology needs of the clerk as  
103 defined in s. 29.008(1)(f)2. and (h) ~~and~~.

104 c. Prior to April 1, 2007, \$2 shall be distributed to the  
105 board of county commissioners to be used exclusively to fund  
106 court-related technology, and court technology needs as  
107 described defined in s. 29.008(1)(f)2. and (h) for the state  
108 trial courts, state attorney, and public defender in that  
109 county; and \$.05 shall be distributed to the Court Technology  
110 Trust Fund to provide oversight of court-related technology  
111 services provided by the counties.

112 d. Effective April 1, 2007, \$2.05 shall be distributed to  
113 the Court Technology Trust Fund to be used to prepare the  
114 judicial circuit technology strategic plan required by s.  
115 29.0087 and provide oversight of court-related technology

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

116 services provided by the counties and to be disbursed to  
117 counties as state financial assistance to assist the counties  
118 with the costs of providing court-related technology, and court  
119 technology needs as defined in s. 29.008(1)(f)2. and (h) for the  
120 state trial courts, state attorney, and public defender in that  
121 county. Counties shall agree to use funds in conformance with  
122 the judicial circuit technology strategic plan required by s.  
123 29.0087 as approved by the chief judge in order to be eligible  
124 for state financial assistance from the Court Technology Trust  
125 Fund. The amount provided to each county from the Court  
126 Technology Trust Fund shall be equal to each county's percentage  
127 of total collections of the additional recording fee required by  
128 this section applied to the total amount available to be  
129 distributed to counties. If a county is not eligible to receive  
130 funds from the Court Technology Trust Fund, the funds that would  
131 have otherwise been distributed to the county shall remain in  
132 the Court Technology Trust Fund to be used as appropriated by  
133 the Legislature.

134       e. If the counties maintain legal responsibility for the  
135 costs of the court-related technology needs as defined in s.  
136 29.008(1)(f)2. and (h), notwithstanding any other provision of  
137 law, the county is not required to provide additional funding  
138 beyond that provided herein for the court-related technology  
139 needs of the clerk as defined in s. 29.008(1)(f)2. and (h). All  
140 court records and official records are the property of the State  
141 of Florida, including any records generated as part of the  
142 Comprehensive Case Information System funded pursuant to this  
143 paragraph and the clerk of court is designated as the custodian  
144 of such records, except in a county where the duty of  
145 maintaining official records exists in a county office other  
146 than the clerk of court or comptroller, such county office is

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

147 designated the custodian of all official records, and the clerk  
148 of court is designated the custodian of all court records. The  
149 clerk of court or any entity acting on behalf of the clerk of  
150 court, including an association, shall not charge a fee to any  
151 agency as defined in s. 119.011, the Legislature, or the State  
152 Court System for copies of records generated by the  
153 Comprehensive Case Information System or held by the clerk of  
154 court or any entity acting on behalf of the clerk of court,  
155 including an association. In order to protect the financial  
156 investment made by the state in the Comprehensive Case  
157 Information System, the receipt of the funding provided pursuant  
158 to s. 28.24(12)(e)1. a., to the Florida Association of Court  
159 Clerks and Comptroller, Inc., for the Comprehensive Case  
160 Information System shall be contingent on the Florida  
161 Association of Court Clerks and Comptroller, Inc., entering into  
162 a memorandum of agreement with the state providing that  
163 ownership of the Comprehensive Case Information System,  
164 including all associated hardware, source code, executable  
165 software, and data or databases stored by the Comprehensive Case  
166 Information System, shall pass to the state in the event that  
167 the Florida Association of Court Clerks and Comptroller, Inc.,  
168 is dissolved, decides to discontinue providing the Comprehensive  
169 Case Information System, or otherwise fails to maintain,  
170 support, and provide the Comprehensive Case Information System  
171 in accordance with the requirements of this section. Upon  
172 entering into such memorandum of agreement, a copy of the  
173 current version of the Comprehensive Case Information System  
174 source code, executable software, data or databases stored by  
175 the Comprehensive Case Information System, and documentation  
176 shall be placed in escrow with the state named as beneficiary.  
177 Upon the deployment of a new major release, or at least annually

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178 if there is no new major release, the most current Comprehensive  
179 Case Information System source code, executable software, data  
180 or databases stored by the Comprehensive Case Information  
181 System, and documentation shall be placed in escrow. This  
182 Comprehensive Case Information System source code, executable  
183 software, data or databases stored by the Comprehensive Case  
184 Information System, and documentation shall be reviewed no less  
185 than once a year and jointly by representatives of the state and  
186 the Florida Association of Court Clerks and Comptroller, Inc.,  
187 to insure currency and completeness. Upon any transfer of  
188 ownership of the Comprehensive Case Information System to the  
189 state, all rights to intellectual property owned by the Florida  
190 Association of Court Clerks and Comptroller, Inc., relating to  
191 the Comprehensive Case Information System shall transfer to the  
192 state.

193 2. If the state becomes legally responsible for the costs  
194 of court-related technology needs as defined in s.  
195 29.008(1)(f)2. and (h), whether by operation of general law or  
196 by court order, \$4 shall be remitted to the Department of  
197 Revenue for deposit into the General Revenue Fund.

198 Section 4. Paragraphs (h) and (i) are added to subsection  
199 (2) of section 28.35, Florida Statutes, paragraph (e) of that  
200 subsection is amended, subsections (4) through (7) of that  
201 section are renumbered as subsections (5) through (8),  
202 respectively, and a new subsection (4) is added to that section,  
203 to read:

204 28.35 Florida Clerks of Court Operations Corporation.--

205 (2) The duties of the corporation shall include the  
206 following:

207 (e) Developing and certifying a uniform system of  
208 performance measures and applicable performance standards for

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the functions specified in paragraph (5)(4)(a) and clerk performance in meeting the performance standards. These measures and standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. When the corporation finds a clerk has not met the performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court.

(h) Receiving reports from each clerk of court in a format specified by the corporation that allows reconciliation of the expenses of a clerk to the clerk's certified budget.

(i) Providing information regarding the budgets and expenditures of clerks and any other fiscal data related to the corporation and performance of court-related clerk duties upon request by a committee of the Legislature, the Governor, or the Office of the State Courts Administrator. The contract between the corporation and the Department of Financial Services shall provide that the failure of the corporation to comply with this paragraph shall result in the withholding by the department of not less than 5 percent of the total funding provided to the corporation pursuant to the terms of the contract. Clerks of court shall provide any information requested by the corporation in accordance with this paragraph.

(4) The corporation shall provide notice to the appropriations committees of the Senate and the House of Representatives of any change to a certified budget within 20 days of such change. Clerks of court shall provide information to the corporation regarding any change to a certified budget within 10 days of such change.

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240 Section 5. Subsections (1) through (5) of section 28.36,  
241 Florida Statutes, are amended, and subsection (8) is added to  
242 that section, to read:

243 28.36 Budget procedure.--There is hereby established a  
244 budget procedure for the court-related functions of the clerks  
245 of the court.

246 (1) Only those functions on the standard list developed  
247 pursuant to s. 28.35(5)(4)(a) may be funded from fees, service  
248 charges, court costs, and fines retained by the clerks of the  
249 court. No clerk may use fees, service charges, court costs, and  
250 fines in excess of the maximum budget amounts as established in  
251 subsection (5).

252 (2) For the period July 1, 2004, through September 30,  
253 2004, and for each county fiscal year ending September 30  
254 thereafter, each clerk of the court shall prepare a budget  
255 relating solely to the performance of the standard list of  
256 court-related functions pursuant to s. 28.35(5)(4)(a).

257 (3) Each proposed budget shall further conform to the  
258 following requirements:

259 (a) On or before August 15 for each fiscal year  
260 thereafter, the proposed budget shall be prepared, summarized,  
261 and submitted by the clerk in each county to the Clerks of Court  
262 Operations Corporation in the manner and form prescribed by the  
263 corporation. The proposed budget must provide detailed  
264 information on the anticipated revenues available and  
265 expenditures necessary for the performance of the standard list  
266 of court-related functions of the clerk's office developed  
267 pursuant to s. 28.35(5)(4)(a) for the county fiscal year  
268 beginning the following October 1.

269 (b) The proposed budget must be balanced, such that the  
270 total of the estimated revenues available equals ~~must equal~~ or

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271 | ~~exceeds~~ ~~exceed~~ the total of the anticipated expenditures. These  
272 | revenues include the following: cash balances brought forward  
273 | from the prior fiscal period; revenue projected to be received  
274 | from fees, service charges, court costs, and fines for court-  
275 | related functions during the fiscal period covered by the  
276 | budget; and supplemental revenue that may be requested pursuant  
277 | to subsection (4). Both proposed and certified budgets shall  
278 | clearly identify expenditures by object and subobject  
279 | classifications as specified in the uniform accounting system  
280 | chart of accounts promulgated by the Department of Financial  
281 | Services in accordance with s. 218.33 and the number of full-  
282 | time equivalent positions. A budget shall specifically list any  
283 | nonrecurring expenditures, including, but not limited to,  
284 | employee bonuses and equipment purchases. The budget shall also  
285 | specify details of any general changes to salaries and benefits,  
286 | such as cost-of-living increases in salaries and improvements in  
287 | benefits. ~~The anticipated expenditures must be itemized as~~  
288 | ~~required by the corporation, pursuant to contract with the Chief~~  
289 | ~~Financial Officer.~~

290 | (c) The proposed budget may include a contingency reserve  
291 | not to exceed 10 percent of the total budget, provided that,  
292 | overall, the proposed budget does not exceed the limits  
293 | prescribed in subsection (5).

294 | (4) If a clerk of the court estimates that available funds  
295 | plus projected revenues from fines, fees, service charges, and  
296 | costs for court-related services are insufficient to meet the  
297 | anticipated expenditures for the standard list of court-related  
298 | functions in s. 28.35(5)(4)(a) performed by his or her office,  
299 | the clerk must report the revenue deficit to the Clerks of Court  
300 | Operations Corporation in the manner and form prescribed by the  
301 | corporation pursuant to contract with the Chief Financial

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Officer. The corporation shall verify that the proposed budget is limited to the standard list of court-related functions in s. 28.35(5)~~(4)~~(a).

(a) If the corporation verifies that the proposed budget is limited to the standard list of court-related functions in s. 28.35(5)~~(4)~~(a) and a revenue deficit is projected, a clerk seeking to retain revenues pursuant to this subsection shall increase all fees, service charges, and any other court-related clerk fees and charges to the maximum amounts specified by law or the amount necessary to resolve the deficit, whichever is less. If, after increasing fees, service charges, and any other court-related clerk fees and charges to the maximum amounts specified by law, a revenue deficit is still projected, the corporation shall, pursuant to the terms of the contract with the Chief Financial Officer, certify a revenue deficit and notify the Department of Revenue that the clerk is authorized to retain revenues, in an amount necessary to fully fund the projected revenue deficit, which he or she would otherwise be required to remit to the Department of Revenue for deposit into the Department of Revenue Clerks of the Court Trust Fund pursuant to s. 28.37. If a revenue deficit is projected for that clerk after retaining all of the projected collections from the court-related fines, fees, service charges, and costs, the Department of Revenue shall certify the amount of the revenue deficit amount to the Executive Office of the Governor and request release authority for funds appropriated for this purpose from the Department of Revenue Clerks of the Court Trust Fund. Notwithstanding provisions of s. 216.192 related to the release of funds, the Executive Office of the Governor may approve the release of funds appropriated to resolve projected revenue deficits in accordance with the notice, review, and



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objection procedures set forth in s. 216.177 and shall provide notice to the Chief Financial Officer. The Department of Revenue is directed to request monthly distributions from the Chief Financial Officer in equal amounts to each clerk certified to have a revenue deficit, in accordance with the releases approved by the Governor.

(b) If the Chief Financial Officer finds the court-related budget proposed by a clerk includes functions not included in the standard list of court-related functions in s. 28.35(5)~~(4)~~(a), the Chief Financial Officer shall notify the clerk of the amount of the proposed budget not eligible to be funded from fees, service charges, costs, and fines for court-related functions and shall identify appropriate corrective measures to ensure budget integrity. The clerk shall then immediately discontinue all ineligible expenditures of court-related funds for this purpose and reimburse the Clerks of the Court Trust Fund for any previously ineligible expenditures made for non-court-related functions, and shall implement any corrective actions identified by the Chief Financial Officer.

(5)(a) For the county fiscal year October 1, 2004, through September 30, 2005, the maximum annual budget amount for the standard list of court-related functions of the clerks of court in s. 28.35(5)~~(4)~~(a) that may be funded from fees, service charges, court costs, and fines retained by the clerks of the court shall not exceed:

1. One hundred and three percent of the clerk's estimated expenditures for the prior county fiscal year; or

2. One hundred and five percent of the clerk's estimated expenditures for the prior county fiscal year for those clerks in counties that for calendar years 1998-2002 experienced an average annual increase of at least 5 percent in both population

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364 and case filings for all case types as reported through the  
365 Summary Reporting System used by the state courts system.

366 (b) For the county fiscal year 2005-2006, the maximum  
367 budget amount for the standard list of court-related functions  
368 of the clerks of court in s. 28.35(5)(4)(a) that may be funded  
369 from fees, service charges, court costs, and fines retained by  
370 the clerks of the court shall be the approved budget for county  
371 fiscal year 2004-2005 adjusted by the projected percentage  
372 change in revenue between the county fiscal years 2004-2005 and  
373 2005-2006.

374 (c) For the county fiscal years 2006-2007 and thereafter,  
375 the maximum budget amount for the standard list of court-related  
376 functions of the clerks of court in s. 28.35(5)(4)(a) that may  
377 be funded from fees, service charges, court costs, and fines  
378 retained by the clerks of the court shall be established by  
379 first rebasing the prior fiscal year budget to reflect the  
380 actual percentage change in the prior fiscal year revenue and  
381 then adjusting the rebased prior fiscal year budget by the  
382 projected percentage change in revenue for the proposed budget  
383 year. The rebasing calculations and maximum annual budget  
384 calculations shall be as follows:

385 1. For county fiscal year 2006-2007, the approved budget  
386 for county fiscal year 2004-2005 shall be adjusted for the  
387 actual percentage change in revenue between the two 12-month  
388 periods ending June 30, 2005, and June 30, 2006. This result is  
389 the rebased budget for the county fiscal year 2005-2006. Then  
390 the rebased budget for the county fiscal year 2005-2006 shall be  
391 adjusted by the projected percentage change in revenue between  
392 the county fiscal years 2005-2006 and 2006-2007. This result  
393 shall be the maximum annual budget amount for the standard list  
394 of court-related functions of the clerks of court in s.

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395 28.35(5)~~(4)~~(a) that may be funded from fees, service charges,  
396 court costs, and fines retained by the clerks of the court for  
397 each clerk for the county fiscal year 2006-2007.

398 2. For county fiscal year 2007-2008, the rebased budget  
399 for county fiscal year 2005-2006 shall be adjusted for the  
400 actual percentage change in revenue between the two 12-month  
401 periods ending June 30, 2006, and June 30, 2007. This result is  
402 the rebased budget for the county fiscal year 2006-2007. The  
403 rebased budget for county fiscal year 2006-2007 shall be  
404 adjusted by the projected percentage change in revenue between  
405 the county fiscal years 2006-2007 and 2007-2008. This result  
406 shall be the maximum annual budget amount for the standard list  
407 of court-related functions of the clerks of court in s.

408 28.35(5)~~(4)~~(a) that may be funded from fees, service charges,  
409 court costs, and fines retained by the clerks of the court for  
410 county fiscal year 2007-2008.

411 3. For county fiscal years 2008-2009 and thereafter, the  
412 maximum budget amount for the standard list of court-related  
413 functions of the clerks of court in s. 28.35(5)~~(4)~~(a) that may  
414 be funded from fees, service charges, court costs, and fines  
415 retained by the clerks of the court shall be calculated as the  
416 rebased budget for the prior county fiscal year adjusted by the  
417 projected percentage change in revenues between the prior county  
418 fiscal year and the county fiscal year for which the maximum  
419 budget amount is being authorized. The rebased budget for the  
420 prior county fiscal year shall always be calculated by adjusting  
421 the rebased budget for the year preceding the prior county  
422 fiscal year by the actual percentage change in revenues between  
423 the 12-month period ending June 30 of the year preceding the  
424 prior county fiscal year and the 12-month period ending June 30  
425 of the prior county fiscal year.

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426       (8) Each clerk shall record and report actual expenditures  
427 in a format specified by the Clerks of Court Operations  
428 Corporation that allows reconciliation to the clerk's budget as  
429 certified by the corporation. The clerk shall submit reports of  
430 such expenditures to the corporation upon request but at least  
431 quarterly.

432       Section 6. Subsection (4) of section 29.008, Florida  
433 Statutes, is amended, and subsection (5) is added to that  
434 section, to read:

435       29.008 County funding of court-related functions.--

436       (4)(a)1. A county may be determined by the Administration  
437 Commission not to be in compliance with its responsibility to  
438 fund court-related functions and to be subject to withholding of  
439 funds by the Department of Revenue if:

440       a. The total amount budgeted or expended by the county for  
441 any item specified in paragraphs (1)(c) or (d) or subsection (3)  
442 in the upcoming, current, or previous county fiscal year, as  
443 appropriate, or the total amount budgeted or expended for any  
444 item specified in paragraphs (1)(a), (e), (f), (g), or (h) minus  
445 non-recurring expenditures for that same item by the county in  
446 the upcoming, current, or previous county fiscal year, as  
447 appropriate, is less than the base year spending plus 1.5  
448 percent growth per year. Base year spending shall be determined  
449 as follows:

450       i. For each item specified in (1)(c) or (d) or subsection  
451 (3), the base year spending shall be the total amount spent for  
452 that item in county fiscal year 2002-2003.

453       ii. For each item specified in (1)(a), (e), (f), (g), or  
454 (h), the base year spending shall be the total amount spent for  
455 that item in county fiscal year 2002-2003 minus non-recurring  
456 expenditures for that item in county fiscal year 2002-2003;

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457  
458 and

459 b. The chief judge certifies that deficiencies will or do  
460 exist in the functioning of the circuit court due to the lack of  
461 sufficient budget or expenditures for that item.

462 2. The process for determining whether a county is not in  
463 compliance with its funding responsibilities shall be as  
464 follows:

465 a. The chief judge shall identify in writing the specific  
466 deficiencies the chief judge certifies will be experienced or  
467 have been experienced by the circuit court associated with the  
468 county's lack of sufficient funding for that item, the  
469 recommended corrections, and an estimate of the funding required  
470 for such corrections and shall furnish this statement to the  
471 board of county commissioners.

472 b. The board shall provide a response in writing to the  
473 chief judge. If the board chooses not to amend its budget or  
474 make expenditures to provide funding sufficient to equal or  
475 exceed the funding for the item in the base year plus 1.5  
476 percent growth per year, or remedy the specific deficiencies  
477 identified by the chief judge, whichever is less, within 30 days  
478 after receiving written notice of such action by the board, the  
479 chief judge may notify the Administration Commission of the  
480 alleged deficiency and explain the expected impact on the  
481 ability of the court to perform the court's constitutional and  
482 statutory functions. The notice shall set forth, in the form and  
483 manner prescribed by the Executive Office of the Governor and  
484 approved by the Administration Commission, the specific  
485 deficiencies; estimate of the funding required to resolve the  
486 deficiencies; expenditures made by the county in the base year  
487 for the items; and amount budgeted or amount expended for the

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488 items. The notice shall be provided to the Executive Office of  
489 the Governor and the board. The board shall have 5 days from  
490 receipt of the notice to provide to the Executive Office of the  
491 Governor a reply to the notice, and the board shall provide a  
492 copy of such reply to the chief judge.

493 c. Upon receipt of the notice, the Executive Office of the  
494 Governor shall provide for a budget hearing at which the matters  
495 presented in the notice and the reply shall be considered. A  
496 report of the findings and recommendations of the Executive  
497 Office of the Governor on such matters shall be promptly  
498 submitted to the Administration Commission, which, within 30  
499 days, shall approve the action of the board as to each separate  
500 item or direct the Department of Revenue to withhold revenue  
501 sharing funds as provided in paragraph (c) in an amount  
502 determined by the Administration Commission to be sufficient to  
503 remedy the deficiency; however, in no case shall the amount  
504 withheld, when combined with the amount budgeted or expended, as  
505 appropriate, be greater than the minimum required to be budgeted  
506 or expended by a county under subparagraph 1. to avoid being  
507 determined not to be in compliance with its responsibilities to  
508 fund court-related functions. The determination of the  
509 Administration Commission shall be final and shall be provided  
510 in writing to the chief judge, the board, and the Department of  
511 Revenue.

512 (b) A county may be determined by the Administration  
513 Commission not to be in compliance with its funding  
514 responsibilities pursuant to the receipt of funds under s.  
515 28.24(12)(e)1.d. and to be subject to withholding of funds by  
516 the Department of Revenue. The process for determining whether  
517 a county is not in compliance with its funding responsibilities  
518 shall be as follows:

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519       1. The chief judge shall certify in writing that the  
520 county has not complied with its responsibilities pursuant to  
521 the receipt of funds under s. 28.24(12)(e)1.d. and identify the  
522 recommended corrections and shall furnish this statement to the  
523 board of county commissioners.

524       2. The board shall provide a response in writing to the  
525 chief judge. If the board chooses not to make expenditures to  
526 comply with its funding responsibilities under s.  
527 28.24(12)(e)1.d., within 30 days after receiving written notice  
528 of such action by the board, the chief judge may notify the  
529 Administration Commission of the alleged lack of compliance. The  
530 notice shall set forth, in the form and manner prescribed by the  
531 Executive Office of the Governor and approved by the  
532 Administration Commission, the specific actions taken by the  
533 board which are not in compliance with the funding  
534 responsibilities under s. 28.24(12)(e)1.d., the recommended  
535 corrections, and the total funding received by the county  
536 pursuant to s. 28.24(12)(e)1.d. for the fiscal year addressed by  
537 the judicial circuit technology strategic plan. The notice shall  
538 be provided to the Executive Office of the Governor and the  
539 board. The board shall have 5 days from receipt of the notice to  
540 provide to the Executive Office of the Governor a reply to the  
541 notice, and the board shall provide a copy of such reply to the  
542 chief judge.

543       3. Upon receipt of the notice, the Executive Office of the  
544 Governor shall provide for a budget hearing at which the matters  
545 presented in the notice and the reply shall be considered. A  
546 report of the findings and recommendations of the Executive  
547 Office of the Governor on such matters shall be promptly  
548 submitted to the Administration Commission, which, within 30  
549 days, shall approve the action of the board or direct the

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Department of Revenue to withhold revenue sharing funds as provided in paragraph (c) in an amount determined by the Administration Commission to compensate for the county's lack of compliance with its funding responsibilities pursuant to s. 28.24(12)(e)1.d. The determination of the Administration Commission shall be final and shall be provided in writing to the chief judge, the board, and the Department of Revenue.

(c)1. If the Administration Commission determines that the board shall provide additional funding to fulfill its responsibilities under paragraphs (a) or (b), ~~Except for revenues used for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness as allowed under s. 218.25(1), (2) or (4), it shall direct the~~ Department of Revenue ~~shall to~~ withhold revenue sharing receipts distributed pursuant to part II of chapter 218, ~~except for revenues used for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness as allowed under s. 218.25(1), (2), or (4), from that any county determined to be not in compliance as provided in this subsection. with the county funding obligations for items specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and (h) and subsection (3). The department shall withhold an amount equal to the difference between the amount spent by the county for the particular item in county fiscal year 2002-2003, the base year, plus 3 percent, and the amount budgeted by the county for these obligations in county fiscal year 2004-2005, if the latter is less than the former. Every year thereafter, the department shall withhold such an amount if the amount budgeted in that year is less than the base year plus 1.5 percent growth per year. On or before December 31, 2004, counties shall send to the department a certified copy of their budget documents for~~



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~~the respective 2 years, separately identifying expenditure amounts for each county funding obligation specified in paragraphs (1) (a), (c), (d), (e), (f), (g), and (h) and subsection (3). Each year thereafter, on or before December 31 of that year, each county shall send a certified copy of its budget document to the department.~~

~~(b) Beginning in fiscal year 2005-2006, additional amounts shall be withheld pursuant to paragraph (a), if the amount spent in the previous fiscal year on the items specified in paragraphs (1)(a), (c), (d), (e), (f), (g), and (h), and subsection (3) is less than the amount budgeted for those items. Each county shall certify expenditures for these county obligations for the prior fiscal year to the department within 90 days after the end of the fiscal year.~~

2.(e) The department shall transfer the withheld payments to the General Revenue Fund within 60 days of the determination by the Administrative Commission of each year. These payments are hereby appropriated to the Department of Revenue to pay for these responsibilities on behalf of the county.

(d) For counties subject to withholding of funds by the Department of Revenue for fiscal years 2004-2005 and 2005-2006:

1. If the chief judge does not certify in writing by October 31, 2006, that deficiencies exist in the functioning of the circuit court due to the lack of sufficient budgeting by the county for an item defined in (1)(a), (c), (d), (e), (f), (g), (h) and (3), the Department of Revenue shall not withhold the funds which would otherwise be withheld from such counties.

2. If the chief judge certifies in writing to the county and to the Department of Revenue by October 31, 2006, that deficiencies exist in the functioning of the circuit court due to the lack of sufficient budget, the Department of Revenue

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612 shall withhold funds for those items defined in (1)(a), (c),  
613 (d), (e), (f), (g), (h) and (3) that the chief judge certifies  
614 in writing are deficient and for which the county did not budget  
615 sufficient funds. However, in calculating whether sufficient  
616 funds were budgeted for fiscal years 2004-2005 and 2005-2006,  
617 the department shall exclude from its calculations of spending  
618 for the base year and fiscal years 2004-2005 and 2005-2006 any  
619 non-recurring expenditures made by a county for an item  
620 specified in (1)(a), (e), (f), (g), and (h). Counties shall  
621 submit to the department by September 30, 2006, information  
622 about such non-recurring expenditures in the form and manner  
623 specified by the department.

624 (e) For purposes of this subsection, "non-recurring  
625 expenditures" shall be limited to expenditures for furnishings,  
626 equipment, land acquisition, and other one-time major purchases  
627 or upgrades. This subsection does not relieve a county of the  
628 obligation to make non-recurring expenditures when such non-  
629 recurring expenditures are warranted.

630 (5) For purposes of this section, the term "salaries"  
631 includes wages, benefits, expenses, and perquisites consistent  
632 with those that are paid for or provided by a county to its  
633 employees.

634 Section 7. Subsection (1) of section 29.0081, Florida  
635 Statutes, is amended to read:

636 29.0081 County funding of additional court personnel.--

637 (1) A county and the chief judge of a judicial circuit  
638 that includes that county may enter into an agreement under  
639 which the county funds personnel positions, including providing  
640 wages, benefits, expenses, and perquisites consistent with those  
641 that are paid for or provided by a county to its employees, to  
642 assist in the operation of the circuit.

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Section 8. Paragraph (d) is added to subsection (5) of section 29.0086, Florida Statutes, and subsection (9) of that section is amended, to read:

29.0086 Article V Technology Board.--

(5) The board shall:

(d) By December 15, 2006, provide a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court. The report shall contain at a minimum:

1. Recommended statutory language that would provide policy guidance for the judicial circuit technology strategic plans to be developed and the data integration to be promoted by the Judicial Circuit Article V Technology Advisory Councils.

2. A description of any further progress made on efforts to develop a catalog of common data elements and recommendations for the maintenance and enhancement of this database.

(9) This section is repealed effective January 1, 2007 ~~July 1, 2006~~.

Section 9. Section 29.0087, Florida Statutes, is created to read:

29.0087 Judicial Circuit Article V Technology Advisory Councils.--

(1) There shall be established in each judicial circuit a Judicial Circuit Article V Technology Advisory Council.

(a) The membership of the council shall include:

1. The chief judge of the circuit court, or his or her designee, who shall serve as chair.

2. The state attorney of the circuit or his or her designee.

3. The public defender of the circuit or his or her designee.

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674        4. A sheriff from a county in the circuit selected by the  
675 chief judge, or the sheriff's designee, who shall be appointed  
676 to an initial term of 1 year and shall serve 2-year terms  
677 thereafter.

678        5. A clerk from a county in the circuit selected by the  
679 chief judge, or the clerk's designee, who shall be appointed to  
680 an initial term of 1 year and shall serve 2-year terms  
681 thereafter.

682        6. A member of a board of county commissioners from a  
683 county in the circuit selected by the chief judge, or the  
684 member's designee, who shall be appointed to an initial term of  
685 2 years and shall serve 2-year terms thereafter.

686        7. A member in good standing of The Florida Bar practicing  
687 in the circuit, appointed by the chief judge.

688        (b)1. There shall be no limit to the number of terms a  
689 member may serve. For multicounty circuits, to the extent  
690 possible, the members provided in subparagraphs (a)4.-6. shall  
691 be from different counties.

692        2. Members of the advisory council shall serve without  
693 compensation but are entitled to per diem and reimbursement for  
694 travel expenses in accordance with s. 112.061. Such per diem and  
695 reimbursement for travel expenses shall be paid by the entity  
696 employing the member, except for the member of The Florida Bar,  
697 whose per diem and reimbursement for travel expenses shall be  
698 paid by the judicial circuit.

699        (c) The judicial circuit trial court technology officer  
700 and such other judicial circuit employees as are necessary shall  
701 serve as staff to the advisory council. Employees of the  
702 entities represented by the members of the advisory council may  
703 also provide staff support to the advisory council at the  
704 request of the judicial circuit trial court technology officer.

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(d) The first meeting of the advisory council shall be held no later than September 30, 2006. The advisory council shall meet at the call of the chair but no less frequently than quarterly.

(2) The duties of the advisory council shall include:

(a) Developing an initial judicial circuit technology strategic plan and subsequent updated judicial circuit technology strategic plans to address court-related technology and court technology needs as defined in s. 29.008(1)(f)2. and (h). The initial judicial circuit technology strategic plan or subsequent updated judicial circuit technology strategic plans shall be provided to the chief judge no later than March 31 of each year.

(b) Promoting secure and reliable data integration, interoperability, and access among the information systems under the control of the chief judge, state attorney, and public defender; the clerks of court, sheriffs, and counties of the circuit; and the various state agencies involved in the justice system and the other court systems of the state.

Section 10. Subsections (4) and (6) of section 44.103, Florida Statutes, are amended to read:

44.103 Court-ordered, nonbinding arbitration.--

(4) An arbitrator or, in the case of a panel, the chief arbitrator, shall have such power to administer oaths or affirmation and to conduct the proceedings as the rules of court shall provide. The proceedings shall be conducted informally. Presentation of testimony and evidence shall be kept to a minimum and matters shall be presented to the arbitrators primarily through the statements and arguments of counsel. At the request of Any party to the arbitration may petition the court in the underlying action, for good cause shown, to

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736 authorize the, such arbitrator to shall issue subpoenas for the  
737 attendance of witnesses and the production of books, records,  
738 documents, and other evidence at the arbitration and may  
739 petition apply to the court for orders compelling such  
740 attendance and production at the arbitration. Subpoenas shall be  
741 served and shall be enforceable in the manner provided by law.

742 (6) Upon motion made by either party within 30 days after  
743 entry of a judgment, the court may assess costs against the  
744 party requesting a trial de novo, including arbitration costs,  
745 court costs, reasonable attorney's fees, and other reasonable  
746 costs, such as investigation expenses and expenses for expert or  
747 other testimony that were incurred after the arbitration hearing  
748 and continuing through the trial of the case, in accordance with  
749 the guidelines for taxation of costs as adopted by the Supreme  
750 Court. Such costs may be assessed if:

751 (a) The plaintiff, having filed for a trial de novo,  
752 obtains a judgment at trial that is at least 25 percent less  
753 than the arbitration award. In such an instance, the costs and  
754 attorney's fees assessed pursuant to this subsection shall be  
755 set off against the award. When the costs and attorney's fees  
756 assessed pursuant to this subsection total more than the amount  
757 of the judgment, the court shall enter judgment for the  
758 defendant against the plaintiff for the amount of the costs and  
759 attorney's fees, less the amount of the award to the plaintiff.  
760 For purposes of a determination under this paragraph, the term  
761 "judgment" means the amount of the net judgment entered plus all  
762 taxable costs pursuant to the guidelines for taxation of costs  
763 as adopted by the Supreme Court, any postarbitration collateral  
764 source payments received or due as of the date of the judgment,  
765 and any postarbitration settlement amounts by which the verdict  
766 was reduced; or

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767        (b) The defendant, having filed for a trial de novo, has a  
768 judgment entered against the defendant that is a least 25  
769 percent more than the arbitration award. For purposes of a  
770 determination under this paragraph, the term "judgment" means  
771 the amount of the net judgment entered plus any postarbitration  
772 settlement amounts by which the verdict was reduced. The party  
773 ~~having filed for a trial de novo may be assessed the arbitration~~  
774 ~~costs, court costs, and other reasonable costs of the party,~~  
775 ~~including attorney's fees, investigation expenses, and expenses~~  
776 ~~for expert or other testimony or evidence incurred after the~~  
777 ~~arbitration hearing if the judgment upon the trial de novo is~~  
778 ~~not more favorable than the arbitration decision.~~

779        Section 11. Subsection (3) of section 218.245, Florida  
780 Statutes, as amended by section 44 of chapter 2005-236, Laws of  
781 Florida, is amended to read:

782        218.245 Revenue sharing; apportionment.--

783        (3) Revenues attributed to the increase in distribution to  
784 the Revenue Sharing Trust Fund for Municipalities pursuant to s.  
785 212.20(6)(d)6. from 1.0715 percent to 1.3409 percent provided in  
786 chapter 2003-402, Laws of Florida, shall be distributed to each  
787 eligible municipality and any unit of local government which is  
788 consolidated as provided by s. 9, Art. VIII of the State  
789 Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968  
790 revised constitution, as follows: each eligible local  
791 government's allocation shall be based on the amount it received  
792 from the half-cent sales tax under s. 218.61 in the prior state  
793 fiscal year divided by the total receipts under s. 218.61 in the  
794 prior state fiscal year for all eligible local governments;  
795 provided, however, for the purpose of calculating this  
796 distribution, the amount received from the half-cent sales tax  
797 under s. 218.61 in the prior state fiscal year by a unit of

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798 | local government which is consolidated as provided by s. 9, Art.  
799 | VIII of the State Constitution of 1885, as amended, and as  
800 | preserved by s. 6(e), Art. VIII, of the Constitution as revised  
801 | in 1968, shall be reduced by 42 ~~50~~ percent for such local  
802 | government and for the total receipts. For eligible  
803 | municipalities that began participating in the allocation of  
804 | half-cent sales tax under s. 218.61 in the previous state fiscal  
805 | year, their annual receipts shall be calculated by dividing  
806 | their actual receipts by the number of months they participated,  
807 | and the result multiplied by 12.

808 |       Section 12. Subsection (13) of section 318.18, Florida  
809 | Statutes, is amended to read:

810 |       318.18 Amount of civil penalties.--The penalties required  
811 | for a noncriminal disposition pursuant to s. 318.14 are as  
812 | follows:

813 |       (13) In addition to any penalties imposed for noncriminal  
814 | traffic infractions pursuant to this chapter or imposed for  
815 | criminal violations listed in s. 318.17, a board of county  
816 | commissioners or any unit of local government which is  
817 | consolidated as provided by s. 9, Art. VIII of the State  
818 | Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
819 | Constitution of 1968:

820 |       (a) May impose by ordinance a surcharge of up to \$15 for  
821 | any infraction or violation to fund state court facilities. The  
822 | court shall not waive this surcharge. Up to 25 percent of the  
823 | revenue from such surcharge may be used to support local law  
824 | libraries provided that the county or unit of local government  
825 | provides a level of service equal to that provided prior to July  
826 | 1, 2004, which shall include the continuation of library  
827 | facilities located in or near the county courthouse or annexes.



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(b) That imposed increased fees or service charges by ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to finance state court facilities, may impose by ordinance a surcharge for any infraction or violation for the exclusive purpose of securing payment of the principal and interest on bonds issued by the county before July 1, 2003, to fund state court facilities until the date of stated maturity. The court shall not waive this surcharge. Such surcharge may not exceed an amount per violation calculated as the quotient of the maximum annual payment of the principal and interest on the bonds as of July 1, 2003, divided by the number of traffic citations for county fiscal year 2002-2003 certified as paid by the clerk of the court of the county. Such quotient shall be rounded up to the next highest dollar amount. The bonds may be refunded only if savings will be realized on payments of debt service and the refunding bonds are scheduled to mature on the same date or before the bonds being refunded.

A county may not impose both of the surcharges authorized under paragraphs (a) and (b) concurrently. The county clerk of court shall report, no later than 30 days after the end of the quarter, the amount of funds collected, the amount of funds expended, and the uses of the funds under this subsection during each quarter of the fiscal year. The county clerk shall submit the report, in a format developed by the Office of State Courts Administrator, to the chief judge of the circuit, the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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Section 13. Section 903.286, Florida Statutes, is amended to read:

903.286 Return of cash bond; requirement to withhold unpaid fines, fees, and court costs.--Notwithstanding the provisions of s. 903.31(2), the clerk of the court shall withhold from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent licensed pursuant to chapter 648 sufficient funds to pay any unpaid court fees, court costs, and criminal penalties. The clerk of the court shall provide notice to the person posting the cash bond prior to the posting of such bond that the proceeds are subject to withholding to pay any unpaid court fees, court costs, and criminal penalties. In the event that sufficient funds are not available to pay all unpaid court fees, court costs, and criminal penalties, the clerk of the court shall immediately obtain payment from the defendant or enroll the defendant in a payment plan pursuant to s. 28.246. However, the clerk may not withhold any unpaid court fees, court costs, and criminal penalties from a cash bond posted prior to July 1, 2005, by a person other than the defendant.

Section 14. Subsections (1) and (2) of section 938.27, Florida Statutes, are amended to read:

938.27 Judgment for costs on conviction.--

(1) In all criminal cases, convicted persons or parents of adjudicated juveniles are liable for payment of the documented costs of prosecution, including investigative costs incurred by law enforcement agencies, by fire departments for arson investigations, and by investigations of the Department of Financial Services or the Office of Financial Regulation of the Financial Services Commission, ~~if requested by such agencies.~~

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These costs shall be included and entered in the judgment rendered against the convicted person or adjudicated juvenile.

(2)(a) If the court allows additional time for payment of such costs, the convicted person or the parents of the adjudicated juvenile shall be enrolled in a payment plan pursuant to s. 28.246(4) ~~The court shall require the defendant to pay the costs within a specified period or in specified installments.~~

~~(b) The end of such period or the last such installment shall not be later than:~~

~~1. The end of the period of probation or community control, if probation or community control is ordered;~~

~~2. Five years after the end of the term of imprisonment imposed, if the court does not order probation or community control; or~~

~~3. Five years after the date of sentencing in any other case.~~

~~However, in no event shall the obligation to pay any unpaid amounts expire if not paid in full within the period specified in this paragraph.~~

~~(b)(e)~~ If not otherwise provided by the court under this section, costs shall be paid immediately.

Section 15. Paragraph (a) of subsection (1) of section 938.29, Florida Statutes, is amended to read:

938.29 Legal assistance; lien for payment of attorney's fees or costs.--

(1)(a) A defendant determined to be guilty of a criminal act or found to have committed a delinquent act by a court or jury or through a plea of guilty or nolo contendere, regardless of adjudication, and who has received the assistance of the

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919 public defender's office, ~~a special assistant public defender,~~  
920 or a court-appointed ~~conflict~~ attorney shall be liable for  
921 payment of attorney's fees and costs. The court shall determine  
922 the amount of the obligation. Such costs shall include, but not  
923 be limited to, the cost of depositions; cost of transcripts of  
924 depositions, including the cost of defendant's copy, which  
925 transcripts are certified by the defendant's attorney as having  
926 served a useful purpose in the disposition of the case;  
927 investigative costs; witness fees; the cost of psychiatric  
928 examinations; or other reasonable costs specially incurred by  
929 the state and the clerk of court for the defense of the  
930 defendant in criminal prosecutions. Costs shall not include  
931 expenses inherent in providing a constitutionally guaranteed  
932 jury trial or expenditures in connection with the maintenance  
933 and operation of government agencies that must be made by the  
934 public irrespective of specific violations of law. Any costs  
935 assessed pursuant to this paragraph shall be reduced by any  
936 amount assessed against a defendant pursuant to s. 938.05.

937 Section 16. Subsections (4) and (5) of section 948.15,  
938 Florida Statutes, are renumbered as subsections (5) and (6),  
939 respectively, present subsection (3) is renumbered as subsection  
940 (4), paragraph (e) of that subsection is amended, and a new  
941 subsection (3) is added to that section, to read:

942 948.15 Misdemeanor probation services.--

943 (3)(a) The entity providing probation services for  
944 offenders sentenced by the county court shall establish a  
945 process to collect payments for all offender fees, fines, and  
946 costs imposed by the court, restitution owed by the misdemeanor  
947 probationer, and the cost of supervision. The entity providing  
948 probation services shall provide any funds collected in

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949 accordance with this subsection to the payee to whom they are  
950 owed within 30 days.

951 (b) For programs provided by a county with its own  
952 employees, if a payment made by the misdemeanor probationer is  
953 not sufficient to cover the total installment required under a  
954 payment plan imposed by the court plus any additional payments  
955 that are outstanding, the payment made by the offender shall be  
956 allocated proportionally among any fees, fines, and costs  
957 imposed by the court, restitution owed by the misdemeanor  
958 probationer, and the cost of supervision, based on the  
959 percentage that the sum owed for each type of payment comprises  
960 of the total installment owed for all types of payment.

961 (4)(3) Any private entity providing services for the  
962 supervision of misdemeanor probationers must contract with the  
963 county in which the services are to be rendered. In a county  
964 with a population of less than 70,000, the county court judge,  
965 or the administrative judge of the county court in a county that  
966 has more than one county court judge, must approve the contract.  
967 Terms of the contract must state, but are not limited to:

968 (e) Procedures for handling the collection in accordance  
969 with subsection (3) of all payments owed by an offender fees and  
970 restitution.

971  
972 In addition, the entity shall supply the chief judge's office  
973 with a quarterly report summarizing the number of offenders  
974 supervised by the private entity, payment of the required  
975 contribution under supervision or rehabilitation, and the number  
976 of offenders for whom supervision or rehabilitation will be  
977 terminated. All records of the entity must be open to inspection  
978 upon the request of the county, the court, the Auditor General,

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979 the Office of Program Policy Analysis and Government  
980 Accountability, or agents thereof.

981 Section 17. Section 939.185, Florida Statutes, is  
982 renumbered as section 938.195, Florida Statutes.

983 Section 18. Subsection (3) of section 775.083, Florida  
984 Statutes, is renumbered as subsection (2) of that section, and  
985 present subsection (2) of that section is transferred to section  
986 938.065, Florida Statutes, which is created, and amended to  
987 read:

988 938.065 County crime prevention programs.--

989 ~~(2) In addition to the fines set forth in subsection (1),~~  
990 Court costs shall be assessed and collected in each instance a  
991 defendant pleads nolo contendere to, or is convicted of, or  
992 adjudicated delinquent for, a felony, a misdemeanor, or a  
993 criminal traffic offense under state law, or a violation of any  
994 municipal or county ordinance if the violation constitutes a  
995 misdemeanor under state law. The court costs imposed by this  
996 section shall be \$50 for a felony and \$20 for any other offense  
997 and shall be deposited by the clerk of the court into an  
998 appropriate county account for disbursement for the purposes  
999 provided in this subsection. A county shall account for the  
1000 funds separately from other county funds as crime prevention  
1001 funds. The county, in consultation with the sheriff, must expend  
1002 such funds for crime prevention programs in the county,  
1003 including safe neighborhood programs under ss. 163.501-163.523.

1004 Section 19. Subsections (1), (2), and (4) of section  
1005 938.17, Florida Statutes, are amended to read:

1006 938.17 County delinquency prevention; juvenile assessment  
1007 centers and school board suspension programs.--

1008 (1) Prior to the use of costs received pursuant to s.  
1009 938.195 ~~939.185~~, the sheriff's office of the county must be a

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partner in a written agreement with the Department of Juvenile Justice to participate in a juvenile assessment center or with the district school board to participate in a suspension program.

(2) Assessments collected by clerks of the circuit courts comprised of more than one county shall remit the funds collected pursuant to s. 938.195 ~~939.185~~ to the county in which the offense at issue was committed for deposit and disbursement.

(4) A sheriff's office that receives proceeds pursuant to s. 938.195 ~~939.185~~ shall account for all funds annually by August 1 in a written report to the juvenile justice county council if funds are used for assessment centers, and to the district school board if funds are used for suspension programs.

Section 20. Subsection (7) of section 938.19, Florida Statutes, is amended to read:

938.19 Teen courts.--

(7) A teen court administered in a county that adopts an ordinance to assess court costs under this section may not receive court costs collected under s. 938.195(1)(a)4. ~~939.185(1)(a)4.~~

Section 21. Paragraph (d) of subsection (6) of section 948.08, Florida Statutes, is amended to read:

948.08 Pretrial intervention program.--

(6)

(d) Any entity, whether public or private, providing a pretrial substance abuse education and treatment intervention program under this subsection must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under s. 948.15(4) ~~(3)~~.

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1040 Section 22. Subsection (3) of section 948.16, Florida  
1041 Statutes, is amended to read:

1042 948.16 Misdemeanor pretrial substance abuse education and  
1043 treatment intervention program.--

1044 (3) Any public or private entity providing a pretrial  
1045 substance abuse education and treatment program under this  
1046 section shall contract with the county or appropriate  
1047 governmental entity. The terms of the contract shall include,  
1048 but not be limited to, the requirements established for private  
1049 entities under s. 948.15~~(4)~~~~(3)~~.

1050 Section 23. Paragraph (d) of subsection (1) of section  
1051 985.306, Florida Statutes, is amended to read:

1052 985.306 Delinquency pretrial intervention program.--

1053 (1)

1054 (d) Any entity, whether public or private, providing  
1055 pretrial substance abuse education, treatment intervention, and  
1056 a urine monitoring program under this section must contract with  
1057 the county or appropriate governmental entity, and the terms of  
1058 the contract must include, but need not be limited to, the  
1059 requirements established for private entities under s.  
1060 948.15~~(4)~~~~(3)~~. It is the intent of the Legislature that public or  
1061 private entities providing substance abuse education and  
1062 treatment intervention programs involve the active participation  
1063 of parents, schools, churches, businesses, law enforcement  
1064 agencies, and the department or its contract providers.

1065 Section 24. This act shall take effect July 1, 2006.

1066  
1067  
1068 ===== T I T L E A M E N D M E N T =====

1069 Remove the entire title and insert:



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1070 An act relating to continuing implementation of Constitutional  
1071 Revision 7 to Article V; amending s. 27.52, F.S.; providing for  
1072 liability for fees, costs, and charges of representation in  
1073 delinquency proceedings; expanding a provision imposing a lien;  
1074 amending s. 27.561, F.S.; deleting authorization for a court to  
1075 reduce or revoke attorney's fees or costs under certain  
1076 circumstances; requiring defendant-recipients or parents  
1077 defaulting on payment of attorney's fees or costs to enroll in a  
1078 payment plan under certain circumstances; amending s. 28.24,  
1079 F.S.; decreasing a portion of a fee distributed to the Florida  
1080 Association of Court Clerks and Comptroller, Inc., used to fund  
1081 court-related technology needs; increasing a portion of a fee  
1082 used to fund court-related technology needs and court technology  
1083 needs and redirecting its distribution from the boards of county  
1084 commissioners to the Court Technology Trust Fund; requiring the  
1085 Florida Association of Court Clerks, Inc., to provide for an  
1086 annual audit of the funding for the Comprehensive Case  
1087 Information System; authorizing the Joint Legislative Auditing  
1088 Committee to provide for an annual audit of the funding for the  
1089 Comprehensive Case Information System; specifying additional  
1090 uses of the fee; providing criteria and requirements for use and  
1091 distribution of funds in the trust fund; requiring the transfer  
1092 of ownership of the Comprehensive Case Information System under  
1093 certain conditions; requiring the placement in escrow of source  
1094 code, executable software, data and databases, and documentation  
1095 relating to the Comprehensive Case Information System; amending  
1096 s. 28.35, F.S.; providing additional duties of the Florida  
1097 Clerks of Court Operations Corporation; providing requirements  
1098 for the corporation relating to certain budget amendments;  
1099 amending s. 28.36, F.S.; correcting cross-references; providing  
1100 expenditure requirements for certain budgets; providing

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1101 expenditure recording and reporting requirements for clerks;  
1102 amending s. 29.008, F.S.; specifying methodology, criteria, and  
1103 procedures for determining noncompliance of counties in funding  
1104 court-related functions; providing duties of a chief judge, the  
1105 board of county commissioners, the Executive Office of the  
1106 Governor, and the Administration Commission; revising provisions  
1107 for withholding certain revenue sharing receipts by the  
1108 Department of Revenue; providing a definition; amending s.  
1109 29.0086, F.S.; providing an additional reporting requirement of  
1110 the Article V Technology Board; providing for future repeal of  
1111 the Article V Technology Board; creating s. 29.0087, F.S.;  
1112 establishing in each judicial circuit a Judicial Circuit Article  
1113 V Technology Advisory Council; providing for membership;  
1114 providing for terms; providing for serving without compensation;  
1115 providing for per diem and travel expenses; providing for staff  
1116 for the councils; providing for meetings; providing purposes and  
1117 duties; amending s. 44.103, F.S.; providing additional  
1118 requirements and procedures for court-ordered nonbinding  
1119 arbitration proceedings; authorizing courts to assess certain  
1120 costs against parties requesting de novo trials after  
1121 arbitration; providing cost assessment criteria; providing a  
1122 definition; amending s. 218.245, F.S.; revising apportionment  
1123 criteria for revenue sharing distributions for certain local  
1124 governments; amending s. 318.18, F.S.; revising reporting  
1125 requirements for infraction or violation surcharge funds used to  
1126 finance court facilities; amending s. 903.286, F.S.; revising  
1127 authority of the clerk of court to withhold funds from return of  
1128 certain cash bonds for unpaid court fees, court costs, and  
1129 criminal penalties; providing notice requirements of such  
1130 withheld funds; amending s. 938.27, F.S.; requiring convicted  
1131 persons or parents of adjudicated juveniles to enroll in certain

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1132 prosecution cost-payment plans; deleting certain cost-payment  
1133 criteria; deleting a requirement for deposit and use of costs  
1134 collected by the state attorney; amending s. 938.29, F.S.;  
1135 revising certain provisions for liability for payment of  
1136 attorney's fees and costs; amending s. 948.15, F.S.; requiring  
1137 misdemeanor probation service providers to establish a process  
1138 for collecting certain payments; providing for allocating  
1139 certain payments among outstanding obligations; renumbering s.  
1140 939.185, F.S., as s. 938.195, F.S.; creating s. 938.065, F.S.,  
1141 by transferring and amending s. 775.083(2), F.S.; providing for  
1142 financing county crime prevention programs from certain court  
1143 costs; amending ss. 938.17, 938.19, 948.08, 948.16, and 985.306,  
1144 F.S.; correcting cross-references; providing an effective date.

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Bill No. 7235

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council  
Representative(s) Seiler offered the following:

**Amendment to Amendment (1) by Representative Kottkamp (with  
directory and title amendments)**

Insert between line(s) 6 and 7:

Section 1. Paragraph (c) of subsection (1) and subsection  
(2) of section 27.51, Florida Statutes, are amended to read:

27.51 Duties of public defender.--

(1) The public defender shall represent, without  
additional compensation, any person determined to be indigent  
under s. 27.52 and:

(c) Who is a child taken into custody for a felony or  
misdemeanor or for criminal contempt or is facing delinquency  
proceedings under chapter 985 ~~Alleged to be a delinquent child  
pursuant to a petition filed~~ before a circuit court;

(2) Except as provided in s. 985.203, the court may not  
appoint the public defender to represent, even on a temporary  
basis, any person who is not indigent. The court, however, may  
appoint private counsel in capital cases as provided in ss.  
27.40 and 27.5303.

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Section 2. Subsection (1), paragraph (a) of subsection (2), and subsection (6) of section 27.52, Florida Statutes, are amended to read:

27.52 Determination of indigent status.--

(1) APPLICATION TO THE CLERK.--A person 18 years of age or older seeking appointment of a public defender under s. 27.51 based upon an inability to pay must apply to the clerk of the court for a determination of indigent status using an application form developed by the Florida Clerks of Court Operations Corporation with final approval by the Supreme Court. An additional affidavit need not be filed if appointment is being sought under s. 27.51(1)(f) and the public defender or private court-appointed counsel had already been appointed for a matter arising under s. 27.51(1)(a)-(e). No affidavit of indigency shall be required of a minor.

(a) The application must include, at a minimum, the following financial information:

1. Net income, consisting of total salary and wages, minus deductions required by law, including court-ordered support payments.

2. Other income, including, but not limited to, social security benefits, union funds, veterans' benefits, workers' compensation, other regular support from absent family members, public or private employee pensions, unemployment compensation, dividends, interest, rent, trusts, and gifts.

3. Assets, including, but not limited to, cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in a boat or a motor vehicle or in other tangible property.

4. All liabilities and debts.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. 1 to Amendment No. 1

52 5. If applicable, the amount of any bail paid for the  
53 applicant's release from incarceration and the source of the  
54 funds.

55  
56 The application must include a signature by the applicant which  
57 attests to the truthfulness of the information provided. The  
58 application form developed by the corporation must include  
59 notice that the applicant may seek court review of a clerk's  
60 determination that the applicant is not indigent, as provided in  
61 this section.

62 (b) An applicant shall pay a \$40 application fee to the  
63 clerk for each application for court-appointed counsel filed.  
64 The applicant shall pay the fee within 7 days after submitting  
65 the application. If the applicant does not pay the fee prior to  
66 the disposition of the case, the clerk shall notify the court,  
67 and the court shall:

68 1. Assess the application fee as part of the sentence or  
69 as a condition of probation; or

70 2. Assess the application fee pursuant to s. 938.29.

71 (c) Notwithstanding any provision of law, court rule, or  
72 administrative order, the clerk shall assign the first \$40 of  
73 any fees or costs paid by an indigent person as payment of the  
74 application fee. A person found to be indigent may not be  
75 refused counsel or other required due process services for  
76 failure to pay the fee.

77 (d) All application fees collected by the clerk under this  
78 section shall be transferred monthly by the clerk to the  
79 Department of Revenue for deposit in the Indigent Criminal  
80 Defense Trust Fund administered by the Justice Administrative  
81 Commission, to be used to as appropriated by the Legislature.  
82 The clerk may retain 2 percent of application fees collected

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to Amendment No. 1

83 monthly for administrative costs prior to remitting the  
84 remainder to the Department of Revenue.

85 (e)1. The clerk shall assist a person who appears before  
86 the clerk and requests assistance in completing the application,  
87 and the clerk shall notify the court if a person is unable to  
88 complete the application after the clerk has provided  
89 assistance.

90 2. The law enforcement officer or booking officer who  
91 commits a defendant to custody shall immediately advise the  
92 defendant of the right to counsel. If the defendant requests  
93 counsel or advises the officer that he or she cannot afford  
94 counsel, the officer shall immediately and effectively place the  
95 defendant in communication with the Office of the Public  
96 Defender of the circuit in which the arrest is made or the  
97 booking takes place. If the person seeking appointment of a  
98 public defender is incarcerated, the public defender is  
99 responsible for providing the application to the person and  
100 assisting him or her in its completion and is responsible for  
101 submitting the application to the clerk on the person's behalf.  
102 The public defender may enter into an agreement for jail  
103 employees, pretrial services employees, or employees of other  
104 criminal justice agencies to assist the public defender in  
105 performing functions assigned to the public defender under this  
106 subparagraph.

107 (2) DETERMINATION BY THE CLERK.--The clerk of the court  
108 shall determine whether an applicant seeking appointment of a  
109 public defender is indigent based upon the information provided  
110 in the application and the criteria prescribed in this  
111 subsection.

112 (a)1. An applicant, including an applicant who is ~~a minor~~  
113 ~~or~~ an adult tax-dependent person, is indigent if the applicant's  
114 income is equal to or below 200 percent of the then-current

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to Amendment No. 1

115 federal poverty guidelines prescribed for the size of the  
116 household of the applicant by the United States Department of  
117 Health and Human Services or if the person is receiving  
118 Temporary Assistance for Needy Families-Cash Assistance,  
119 poverty-related veterans' benefits, or Supplemental Security  
120 Income (SSI).

121 2. There is a presumption that the applicant is not  
122 indigent if the applicant owns, or has equity in, any intangible  
123 or tangible personal property or real property or the expectancy  
124 of an interest in any such property having a net equity value of  
125 \$2,500 or more, excluding the value of the person's homestead  
126 and one vehicle having a net value not exceeding \$5,000.

127  
128  
129 ===== T I T L E A M E N D M E N T =====

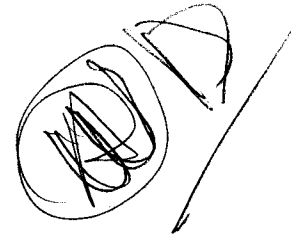
130 Remove line(s) 1073 and 1074 and insert:

131 An act relation to continuing implementation of Constitutional  
132 Revision 7 to Article V; amending s. 27.51, F.S.; revising  
133 certain criteria for persons to be represented by the public  
134 defender without additional compensation; providing an exception  
135 to a prohibition against a court appointing the public defender  
136 to represent a person who is not indigent; amending s. 27.52,  
137 F.S.; providing an age limitation on persons seeking appointment  
138 of a public defender based upon an inability to pay; specifying  
139 conditions under which an additional affidavit need not be  
140 filed; providing requirements for a law enforcement officer or  
141 booking officer committing a defendant to custody; providing  
142 for



COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council  
Representative(s) Seiler offered the following:

**Amendment to Amendment (1) by Representative Kottkamp (with  
directory and title amendments)**

Insert between line(s) 435 and 436:

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" shall include the offices and staffing of the guardian ad litem programs. The county designated under s. 35.05(1) as the headquarters for each appellate district shall fund these costs for the appellate division of the public defender's office in that county. For purposes of implementing these requirements, the term:

(f) "Communications services" are defined as any reasonable and necessary transmission, emission, and reception

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to Amendment No. 1

of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, audio equipment, video equipment, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state attorneys, and all staff of the state courts system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment, wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, and public defenders, training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system, the offices of the public defenders, the offices of the state attorneys, and the offices of the clerks of the circuit and county courts and the capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to Amendment No. 1

56 management, case disposition, and other data across multiple  
57 state and county information systems involving multiple users at  
58 both the state level and within each judicial circuit and be  
59 able to electronically exchange judicial case background data,  
60 sentencing scoresheets, and video evidence information stored in  
61 integrated case management systems over secure networks. Once  
62 the integrated system becomes operational, counties may reject  
63 requests to purchase communication services included in this  
64 subparagraph not in compliance with standards, protocols, or  
65 processes adopted by the board established pursuant to s.  
66 29.0086.

67 3. Courier messenger and subpoena services.

68 4. Auxiliary aids and services for qualified individuals  
69 with a disability which are necessary to ensure access to the  
70 courts. Such auxiliary aids and services include, but are not  
71 limited to, sign language interpretation services required under  
72 the federal Americans with Disabilities Act other than services  
73 required to satisfy due-process requirements and identified as a  
74 state funding responsibility pursuant to ss. 29.004, 29.005,  
75 29.006, and 29.007, real-time transcription services for  
76 individuals who are hearing impaired, and assistive listening  
77 devices and the equipment necessary to implement such  
78 accommodations.

79  
80  
81 ===== D I R E C T O R Y A M E N D M E N T =====

82 Remove line(s) 432 and 433 and insert:

83 Section 6. Paragraph (f) of subsection (1) and subsection  
84 (4) of section 29.008, Florida Statutes, are amended, and  
85 subsection (5) is added to that  
86  
87

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to Amendment No. 1

88 ===== T I T L E   A M E N D M E N T =====  
89        Remove line(s) 1105 and insert:  
90        s. 29.008, F.S.; revising a definition; specifying methodology,  
91        criteria, and  
92

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES  
Amendment No. 3 to Amendment No. 1

Bill No. 7235

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_



Council/Committee hearing bill: Fiscal Council  
Representative(s) Seiler offered the following:

**Amendment to Amendment (1) by Representative Kottkamp (with  
title amendments)**

Insert between line(s) 1052 and 1053:

Section 23. Subsections (1), (2), and (3) of section  
985.203, Florida Statutes, are amended to read:

985.203 Right to counsel.--

(1) A child is entitled to representation by legal counsel  
at all stages of any proceedings under this part. If the ~~child~~  
~~and the~~ parents or other legal guardian is ~~are~~ indigent and  
~~unable to employ counsel for the child~~, the court shall appoint  
counsel pursuant to s. 27.52. However, if a parent or legal  
guardian is also the alleged victim in the case, the court shall  
appoint counsel to represent the child without requiring an  
affidavit from the parent or legal guardian. Determination of  
indigence and costs of representation shall be as provided by  
ss. 27.52 and 938.29. Legal counsel representing a child ~~who~~  
~~exercises the right to counsel~~ shall be allowed to provide  
advice and counsel to the child at any time subsequent to the  
child's arrest, including prior to a detention hearing while in  
secure detention care. A child shall be represented by legal

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 to Amendment No. 1

24 | counsel at all stages of all court proceedings unless the right  
25 | to counsel is freely, knowingly, and intelligently waived by the  
26 | child after the child has been given a meaningful opportunity to  
27 | confer with counsel. If the child appears without counsel, the  
28 | court shall appoint counsel if the parents or legal guardian is  
29 | indigent ~~advise the child of his or her rights with respect to~~  
30 | ~~representation of court appointed counsel~~.

31 | (2) If the parents or legal guardian of an indigent child  
32 | is ~~are~~ not indigent but refuses ~~refuse~~ to employ counsel, the  
33 | court shall appoint counsel pursuant to s. 27.52 to represent  
34 | the child at the detention hearing and until counsel is  
35 | provided. Costs of representation are hereby imposed as provided  
36 | by ss. 27.52 and 938.29. Thereafter, the court shall not appoint  
37 | counsel for an indigent child with nonindigent parents or legal  
38 | guardian but shall order the parents or legal guardian to obtain  
39 | private counsel. A parent or legal guardian of an indigent child  
40 | who has been ordered to obtain private counsel for the child and  
41 | who willfully fails to follow the court order shall be punished  
42 | by the court in civil contempt proceedings. If a nonindigent  
43 | parent or legal guardian is also the alleged victim in the case,  
44 | the court shall not order that parent or legal guardian to  
45 | obtain private counsel but shall appoint counsel pursuant to s.  
46 | 27.52 to represent the indigent child.

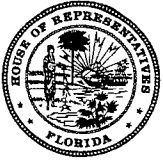
47 | (3) An indigent child with nonindigent parents or legal  
48 | guardian may have counsel appointed pursuant to s. 27.52 if the  
49 | parents or legal guardian has ~~have~~ willfully refused to obey the  
50 | court order to obtain counsel for the child and has ~~have~~ been  
51 | punished by civil contempt and then still has ~~have~~ willfully  
52 | refused to obey the court order. Costs of representation are  
53 | hereby imposed as provided by ss. 27.52 and 938.29.

54 |  
55 | ===== T I T L E A M E N D M E N T =====

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 to Amendment No. 1

56 Remove line(s) 1146 and insert:  
57 costs; amending s. 985.203, F.S.; revising provisions providing  
58 for a child's right to counsel; amending ss. 938.17, 938.19,  
59 948.08, 948.16, and 985.306,



W/D

Committee on Fiscal Council

Action \_\_\_\_\_  
Date 4/21/06

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY  
(may be used in Committee, but not on House Floor)

Amendment No. \_\_\_\_\_

Bill No. 7235

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

If amendment is text of another bill insert:  
Bill No. \_\_\_\_\_ Draft No. \_\_\_\_\_

Representative(s)/~~The Committee on~~ Richardson

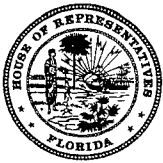
offered the following amendment:

Amendment ~~to Amendment~~

on page 5 <sup>strike</sup>, line 117-118 & insert:

countries or state financial assistance to meet  
county funding obligations of providing court-  
related technology, and court





Committee on

Fiscal Council

Action

Date

4/21/06

## HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Committee, but not on House Floor)

Amendment No. \_\_\_\_\_

Bill No. 7235

(For filing with the Clerk, Committee and Member Amendments **must** be prepared on computer)

If amendment is text of another bill insert:

Bill No. \_\_\_\_\_

Draft No. \_\_\_\_\_

Representative(s)/The Committee on

Richardson

offered the following amendment:

Amendment

on page 5, line 139 - &amp; insert

needs of the clerk, the state trial courts, state attorney, & public defender, as defined in S. 29.008(1)(2) & (h). The state trial courts, state attorney, & public defender may seek additional funding for their court-related technology needs as defined in S. 29.008(1)(f) & (h) from the counties for additional funding pursuant to each county's budget request process. All

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

**Location:** 212 Knott Building

### Summary:

#### Fiscal Council

*Friday April 21, 2006 11:15 am*

HB 29 CS	Favorable With Committee Substitute	Yeas: 19	Nays: 0
HB 69 CS	Favorable With Committee Substitute	Yeas: 22	Nays: 0
HB 141 CS	Favorable	Yeas: 21	Nays: 0
HB 237 CS	Favorable With Committee Substitute	Yeas: 22	Nays: 0
HB 241 CS	Favorable	Yeas: 23	Nays: 0
HJR 353 CS	Favorable With Committee Substitute	Yeas: 21	Nays: 0
HB 381	Favorable	Yeas: 21	Nays: 0
HB 421	Favorable	Yeas: 20	Nays: 2
HB 597 CS	Favorable	Yeas: 22	Nays: 0
HB 753 CS	Favorable	Yeas: 21	Nays: 0
HB 857	Favorable With Committee Substitute	Yeas: 20	Nays: 0
HB 891	Favorable	Yeas: 20	Nays: 0
HB 897 CS	Favorable	Yeas: 22	Nays: 0
HB 979 CS	Favorable	Yeas: 21	Nays: 0
HB 987 CS	Favorable	Yeas: 19	Nays: 2
HB 1219	Favorable	Yeas: 20	Nays: 0

**Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM**

**Leagis ®**

# COUNCIL MEETING REPORT

## Fiscal Council

4/21/2006 11:15:00AM

Location: 212 Knott Building

HB 1245	Favorable	Yeas: 21	Nays: 0
HB 1251 CS	Favorable	Yeas: 21	Nays: 0
HB 1269 CS	Favorable	Yeas: 20	Nays: 0
HB 1311 CS	Favorable	Yeas: 21	Nays: 0
HB 1431 CS	Favorable With Committee Substitute	Yeas: 21	Nays: 0
HB 1471 CS	Favorable	Yeas: 20	Nays: 0
HB 1473 CS	Favorable With Committee Substitute	Yeas: 20	Nays: 0
HB 1623 CS	Favorable	Yeas: 21	Nays: 0
HB 7109	Favorable With Committee Substitute	Yeas: 21	Nays: 0
HJR 7129	Favorable	Yeas: 18	Nays: 5
HB 7173	Favorable With Committee Substitute	Yeas: 21	Nays: 0
HB 7181	Favorable With Committee Substitute	Yeas: 21	Nays: 0
HB 7189	Favorable With Committee Substitute	Yeas: 20	Nays: 0
HB 7197	Favorable	Yeas: 20	Nays: 0
HB 7207	Favorable	Yeas: 19	Nays: 1
HB 7213	Favorable	Yeas: 21	Nays: 0
HB 7235	Favorable With Committee Substitute	Yeas: 19	Nays: 0

Committee meeting was reported out: Friday, April 21, 2006 5:44:47PM

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